

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dillon County
Honorable Paul M. Burch, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAMIAN INMAN,

APPELLANT

APPELLATE CASE NO 2015-002353

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT (Dated June 9, 2015).....	1
OPENING STATEMENT BY MR. DANIEL.....	2
OPENING STATEMENT BY MR. BROOKER	8
TESTIMONY	
JOSHUA LEE	
Direct Examination by Mr. Redmond.....	15
Cross Examination by Mr. Brooker	19
RICKY LEE	
Direct Examination by Mr. Daniel.....	21
Cross Examination by Mr. Brooker	26
CRYSTAL NORRIS	
Direct Examination by Mr. Daniel.....	27
Cross Examination by Mr. Brooker	31
JASON TURNER	
Direct Examination by Mr. Daniel.....	34
Cross Examination by Mr. Brooker	63
Redirect Examination by Mr. Daniel	71
Recross Examination by Mr. Brooker	72
ALLEN ROGERS	
Direct Examination by Mr. Redmond.....	84
Cross Examination by Mr. Brooker	101
Redirect Examination by Mr. Redmond	109
VICKIE HALLMAN	
Direct Examination by Mr. Redmond.....	110
Cross Examination by Mr. Brooker	149
Redirect Examination by Mr. Redmond	172
LISA ALFORD	
Direct Examination by Mr. Daniel.....	176
Cross Examination by Mr. Brooker	190

TRIAL TRANSCRIPT (Dated June 10, 2015).....	194

TESTIMONY

SANDRA THOMPSON

Direct Examination by Mr. Redmond.....	195
Cross Examination by Mr. Brooker.....	201
Redirect Examination by Mr. Redmond.....	207

MARTHA ANN JACOBS

Direct Examination by Mr. Redmond.....	209
Cross Examination by Mr. Brooker.....	214
Redirect Examination by Mr. Redmond.....	216

JASMINE MEARITE

Direct Examination Mr. Redmond.....	218
Cross Examination by Mr. Brooker.....	225
Redirect Examination by Mr. Redmond.....	228

JASON TURNER

Direct Examination by Mr. Daniel.....	229
Cross Examination by Mr. Brooker.....	233
Redirect Examination by Mr. Daniel.....	237
Recross Examination by Mr. Brooker.....	239

ALLEN ROGERS

Direct Examination by Mr. Redmond.....	243
Cross Examination by Mr. Brooker.....	247
Redirect Examination by Mr. Redmond.....	255
Recross Examination by Mr. Brooker.....	256

EDDIE BOONE

Direct Examination by Mr. Redmon.....	268
Cross Examination by Mr. Brooker.....	279
Redirect Examination by Mr. Redmond.....	304
Recross Examination by Mr. Brooker.....	308

THE STATE RESTS	311

JASON TURNER

Direct Examination by Mr. Brooker.....	327
Cross Examination by Mr. Redmond.....	331

ALLEN ROGERS

Direct Examination by Mr. Brooker.....	335

THE DEFENSE RESTS	337
CLOSING STATEMENT BY MR. BROOKER	338
CLOSING STATEMENT BY MR. REDMOND	371
JURY CHARGE	394
INDICTMENTS	421
CERTIFICATE OF COUNSEL	425

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
COUNTY OF DILLON) 2009-GS-17-01210
) 2009-GS-17-01212

STATE OF SOUTH CAROLINA)
) PLAINTIFF)
) vs.) TRANSCRIPT OF RECORD
) Tuesday, June 9, 2015
 DAMIAN INMAN)
) DEFENDANT)

June 8-10, 2015
 Dillon, South Carolina

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE; and a jury.

A P P E A R A N C E S:

WILLIAM SHIPP DANIEL III, ASSISTANT SOLICITOR
 Attorney for the State

KERNARD REDMOND, DEPUTY SOLICITOR
 Attorney for the State

THURMOND BROOKER, ESQUIRE
 Attorney for the Defendant

JOSHUA LEE, Victim's Grandson

RICKY LEE, Victim's Son In Law

1 your duty to keep this case to yourself until you actually
2 deliberate it. Okay.

3 State having the burden of proof, the Solicitor will
4 have the opening remark if he so desires. Solicitor.

5 OPENING STATEMENT BY MR. DANIEL

6 MR. DANIEL: Thank you, Your Honor. May it please
7 the Court. Ladies and gentlemen, good morning.

8 JURY PANEL: Good morning.

9 MR. DANIEL: This is a case about the last hours of
10 75 year-old Mary Alice Stutts' life. Now, you're going to
11 hear a lot of details about what happened during those
12 last hours. You're going to hear that three men, John
13 Henry Bridges, Lorenzo Inman and Lorenzo Inman's brother,
14 Damian Inman, approached Miss Stutts' home on a hot,
15 August afternoon in 2009, and they asked her for some
16 water. Ms. Stutts said, "Sure," and pointed to the faucet
17 outside. As part of their trick these three young man
18 told her that they couldn't get the water to turn on. So
19 she came outside only to find a gun in her face, to be hit
20 with that gun and knocked to the ground.

21 The three men then went inside her home, got the key
22 to her white Toyota Camry, went back outside, moved the
23 car around back of the house where nobody could see what
24 they were doing, popped the trunk, took the stroller that
25 she always kept in the trunk for her grandchildren; threw

1 it in the yard, and they put her in the trunk of her own
2 car. And they drove off.

3 You will here even that as they were riding out to
4 the country they turned the radio up in the car so they
5 couldn't hear her cries for help coming from the trunk.
6 They drove to a dirt road in Little Rock. Pulled down the
7 road between some trees. Took her out of the trunk and it
8 was at that point that 75 year old Mary Alice Stutts
9 begged for her life. "Please don't hurt me," she said,
10 but they didn't.

11 With this gun they shot her twice. Once right here,
12 and once right here. Then they took her body and drug it
13 several yards into a ditch. And they left her there.
14 These three men then for the next several hours rode
15 around town showing off the car, hanging out with some
16 people. At some point later that night they dropped
17 Damian Inman off at home, and the other two, John Henry
18 Bridges and Lorenzo Inman, stayed in the car and they rode
19 around for the rest of the night.

20 Damian Inman was arrested the next morning when he
21 was at Dillon High School. The other two were arrested
22 first after a high speed chase when law enforcement
23 realized that Ms. Stutts and her car were missing.

24 Now, the State of South Carolina represented by
25 myself, Deputy Solicitor Kernard Redmond, we represent the

1 victim, Miss Stutts, and the citizens of Dillon County.
2 And it is our burden, as Judge Burch just mentioned to
3 you, to prove this defendant guilty beyond a reasonable
4 doubt. Now that is the burden in every criminal court in
5 every state of the United States.

6 And that is the burden that we welcome. And I don't
7 say that because we're some hot shot prosecutors. I say
8 that because we are confident that the evidence that we're
9 going to present to you will convince you beyond any
10 reasonable doubt that this defendant, Damian Inman, is
11 guilty.

12 As he sits there now he is presumed innocent, and
13 it's our burden to prove that guilt to you. Now, you just
14 took an oath a minute ago to uphold the law. You took an
15 oath to uphold the law as it is, not as you think it
16 should be or not as you wish it would be, but you took an
17 oath to uphold the law as it is. Now, at the end of this
18 trial Judge Burch is going to mention a lot of different
19 law to you right before you go back in chambers or in your
20 room to deliberate.

21 I'm going to point out two really important things
22 that he is going to tell you, and two things that I ask
23 you to please keep in the forefront of your minds
24 throughout this trial: The first one is a piece of law
25 that says this, "The hand of one is the hand of all." You

1 may have heard that before in general conversation.

2 Let me tell you what that means when it comes to the
3 law. Judge Burch is going to say something like this, "If
4 two or more people work together to commit a crime, such
5 as robbery for example, and during the commission of that
6 crime a homicide occurs, somebody dies, somebody is
7 killed, then all present participating in that crime like
8 robbery are guilty of the homicide.

9 When two or more people work together to commit a
10 crime in the commission of that crime a homicide occurs
11 then everybody who participated in that first crime is
12 guilty of the murder. Let me give you an example. Let's
13 say Deputy Solicitor Redmond and I go rob a bank. And I
14 say, "Kernard, let's go rob this bank. I'm going to go
15 inside and ask the teller for some money. You serve as
16 the lookout. You don't even have to go in the bank. You
17 just serve as the lookout." So he does. We ride together
18 to the bank. He sits outside looking to make sure no cops
19 come up.

20 I go inside. I go to the teller and say, "Give me
21 you money." She says, "No," so I shoot her. I kill her
22 and I walk back out and we leave. Now, he never went in
23 the building. I'm guilty of murder, right, because I
24 killed the bank teller. Under the law that you just took
25 an oath to uphold he's guilty of that murder, too, because

1 he was with me. He was doing something to help me out.
2 That's how it works.

3 Now, in that example I may not have even meant to
4 kill the teller. Maybe I didn't go there with a plan of
5 killing her. It doesn't matter. She was killed. Kernard
6 may not have know I even had a gun, but I killed the bank
7 teller. So he is just as guilty of all of it, of robbing
8 the bank, of murder, of everything, just like me.

9 Now, one other thing. In South Carolina duress is
10 not a defense to murder. In other words, you can't say,
11 "Somebody made me do it. I was scared. Somebody made me
12 do it." South Carolina law does not recognize duress,
13 being made to do it, as a defense to murder. Keep those
14 two things in mind.

15 Now, why is this important in this case? The
16 evidence is going to prove to you beyond any reasonable
17 doubt that Damian Inman was one of the three young men who
18 brutally murdered Ms. Stutts. The law doesn't require us,
19 the law doesn't require the State to prove to you or to
20 tell you or to show you anything about who pulled the
21 trigger, who brought the gun, even whose idea it was.

22 The State of South Carolina does not have to show any
23 of those things. All we have to show beyond a reasonable
24 doubt is that Damian Inman participated to some degree in
25 some unlawful act that resulted in the death of Ms.

11 All three men: John Henry Bridges, Lorenzo Inman,
12 Damian Inman, were charged with armed robbery, burglary in
13 the first degree, grand larceny, possession of a weapon
14 during the commission of a violent crime, criminal
15 conspiracy, kidnapping, and finally, the murder of Mary
16 Alice Stutts. Mother of two. A grandmother of four. A
17 great-grandmother of four.

23 THE COURT: Mr. Brooker.

25 OPENING STATEMENT BY MR. BROOKER

1 MR. BROOKER: Good morning, ladies and gentlemen.
2 Before I start to at least discuss the facts of this case
3 with you I'm going to reiterate some of the things that
4 the Judge spoke to you prior to the start of opening --
5 pardon me. Prior to the start of the opening remarks, and
6 the reason why I'm going to repeat these things to you
7 because they are extremely, extremely, extremely important
8 in our judicial system.

9 Our judicial system is base on some extremely
10 important principles, and in order for this process to be
11 a fair process, in order for the process to be a just
12 process, these principles have to be adhered to by
13 everyone of you individually and collectively. The first
14 principle which is probably the most important principle
15 that we have in our system of justice, and that is
16 innocent until proven guilty. And I'm pretty sure that
17 all of you have heard this before. Whether you have read
18 it in an article, whether you read it in some sort of
19 book. And, of course, is you've probably heard it
20 countless and countless and countless of times on
21 television programs.

22 Well, that's not just television. That is reality.
23 That is truth. Proof. He is innocent until proven
24 guilty, and what that means, ladies and gentlemen, as
25 Damian Inman sits here at this table being tried for these

1 offenses he is completely and absolutely innocent. It is
2 an innocent that each and every one of us possess down to
3 every last man, women and child in this country.

4 And that innocence is not something that we have to
5 earn. It's something that we're born with. We are all
6 born with that innocence. And we have to maintain that.
7 If you want to do your job as a juror you have to maintain
8 and see that light throughout this entire process. If you
9 fail to do that, if you have developed assumptions or if
10 you have made opinions based upon the statements that were
11 made by Mr. Daniel, Solicitor Daniel, then you failed in
12 that responsibility.

13 Now, in order for the -- for that innocent; that
14 innocent, that robe of innocent, that clothe that we all
15 wear. The one we inherit the minute we're born, that in
16 order for that to be removed the State has to prove beyond
17 a reasonable doubt that he committed the crime that they
18 have charged him with. That's the only way that burden
19 can be removed. Until that occurs you have to maintain a
20 presumption of innocence. You have to see him as being
21 innocent as he sits there. That's the only way our
22 judicial system works. And he is innocent. Nothing has
23 been proven at this point.

24 Now, let's talk a little bit about the burden that
25 they have to carry. That burden does not rest with the

1 individual. It does the not rest with Damian. A citizen
2 never has to prove his or her innocence. If the State
3 seeks to take something away from that person the State
4 has to prove that person's guilt beyond a reasonable
5 doubt.

6 Damian Inman doesn't have to testify. He does not
7 have to put up a witness. He does not have to say a word.
8 He does not have to present any evidence whatsoever. It
9 is not his burden. It is not his responsibility. It rest
10 solely and completely on the State of South Carolina to
11 prove his guilt.

12 I'm not going to get into the technical definition of
13 what proof beyond a reasonable doubt is. At the
14 conclusion of this case the Judge will give you a
15 definition, give you an explanation of what that means.
16 But it is a high burden. It is the highest burden of the
17 highest legal burden that we have within the State of
18 South Carolina, proof beyond a reasonable doubt. It's
19 extremely important.

20 Now, let's talk at least a little bit about the facts
21 of the case and a little bit about the opening statement
22 that was made by Solicitor Daniel. And I think Solicitor
23 Daniel said that this case is about the last hours of Mary
24 Alice Stutts' life. And quite actually it's not quite
25 true. This case is not about that.

1 We know what happened. We know what happened with
2 the last moments of Ms. Stutts' life. Ms. Stutts was
3 taken from her home. Ms. Stutts was transported in her
4 car to a seclude location, and Ms. Stutts was murdered.
5 We don't contest that. We don't contest that at all,
6 whatsoever. We don't contest that absolutely whatsoever.

7 This case is not about her death. We know what
8 happened in connection her death. The reason why we are
9 all here today is this case is about the involvement of
10 Damian Inman. What his involvement was if any. And
11 legally what if anything he is culpable of in connection.
12 That's why we're all here. That's why we're all here.
13 What is he response for?

14 You heard Solicitor Daniel state, and of course,
15 throughout his opening remarks he said that these men,
16 these boys, are responsible for it; that these boys went
17 to Ms. Stutts' home. These boy removed Ms. Stutts from
18 home. These boys put Ms. Stutts in her car; that those
19 boys drove Ms. Stutts to a secluded location; and that
20 those boys murdered Miss Stutts. And the reason why he
21 housed it in that particular way is that he's attempting
22 to clump them all together.

23 He's attempting to say that every one of them who was
24 there is responsible for the actions of the other, so told
25 to you in those terms. And, of course, if he testifies to

1 the fact that there is no D.N.A. evidence that links
2 Damian Inman to Ms. Stutts' murder. There is no
3 fingerprints, and you will hear -- you will have exhibits
4 that have been put into evidence, and you will see that
5 there was a number of items that was collected; that there
6 was D.N.A. that was collected. There were fingerprints
7 that were collected that a lot of these prints were
8 tested. And none of them came back as matching Damian
9 Inman.

10 You will see that the gun that is suspected of being
11 the murder weapon, the gun that was found when the other
12 two boys were arrested, had Damian Inman's D.N.A. or
13 fingerprints was not found on it. So in order for Damian
14 Inman to be responsible the prosecution has to say, "They
15 did these things. They collectively did these things,"
16 and he mentioned the law. And, of course, he says that
17 Damian Inman was responsible regardless of whether or not
18 they can prove he pulled the trigger. Regardless of
19 whether or not they can prove what his involvement was;
20 that he is just as guilty as the others because of this
21 concept called the hand of one is the hand of all.

22 And the Judge is going to give you a greater
23 explanation for that, and some people refer to it, as you
24 know, the felony murder rule. And he says that what this
25 means is that when two or more people seek to engage

1 within a criminal enterprise, and it has to be a felonious
2 criminal enterprise. It has to be a felony criminal
3 enterprise. He says that whatever conduct that each
4 member of the felonious enterprise enter into that all the
5 other members of that felonious enterprise are
6 responsible.

7 And that's kind of what it is, but it's quite
8 actually not. Accurate with respect to the felony murder
9 rule. The felony murder rule basically says that when two
10 or more persons seek to enter into a felonious criminal
11 enterprise and as a result of that felonious criminal
12 enterprise carry that felonious enterprise out, that
13 felonious plan out and someone is murdered in connection
14 with that, the other members of that felonious criminal
15 enterprise can be held responsible if, in carrying out the
16 original felonious criminal enterprise that the resulting
17 death or murder was a natural and probable consequence
18 with a natural and probable consequence of the original
19 criminal enterprise.

20 It's a complicated concept. But it's kind of a
21 complicated concept, but it's not as simple as if we go do
22 something together then whatever I do you're responsible
23 for. It's not that simple.

24 Now, he also stated that duress is not a defense. So
25 the hands of one is the hands of all. What actually he

1 said is not a defense to murder. That's quite not
2 accurate. And the reason why is that there is an element
3 of murder, and the element of murder is intent. We refer
4 to it as mens rea. You have to have the requisite mens
5 rea in order to commit murder. He can't commit murder
6 accidentally.

7 There has to be some sort of intent. You have to
8 know what you're doing, and you have to voluntarily engage
9 in it. So if someone is an involuntary participant and
10 involuntarily participates within a crime they don't have
11 the requisite mens rea to commit this crime. Therefore,
12 they cannot be guilty of that particular crime.

13 Now, you're going to hear a lot of testimony that's
14 going to come from the witness stand, and you're going to
15 get a chance to see all of this evidence that's up here.
16 I beg and plead with you to pay close attention to
17 everything that you hear. And the reason why is that
18 sometimes -- well, not sometimes. All the time. But
19 sometimes the truth -- all the time the truth is in the
20 detail. And this is not an easy or simple case as if you
21 were there, therefore, he is responsible. It is a lot
22 more complicated than that. The law is a lot more
23 complicated than that.

24 Pay attention, please, throughout the entire process
25 of this trial, and I think if you do that at the

1 conclusion of this case I think justice will have been
2 served. Thank you very much.

3 MR. REDMOND: State first calls, may it please the
4 Court, Joshua Lee.

5 THE COURT: Come around and be sworn, please.

6 JOSHUA LEE, after being duly sworn, testified as
7 follows:

8 CLERK OF COURT: Be seated. State your full name for
9 the Court and spell your last name for us, please.

10 THE WITNESS: Josh Richard Lee, L-E-E.

11 DIRECT EXAMINATION

12 BY MR. REDMOND:

13 Q. And, Joshua, let me ask you this. Let me just ask
14 you a little background. What is it you do at this time,
15 employment wise?

16 A. I'm a fire suppression system inspector.

17 Q. And who do you work for?

18 A. Symplex.

19 Q. Symplex. Okay. And as it relates to your
20 involvement with this case, and I'll just ask you. Mary
21 Alice Stutts, was she your grandmother?

22 A. Yes.

23 Q. And let me take you directly to the 17th of
24 August 2009. Did you see your grandmother that day?

25 A. Yes, I did.

1 Q. And take as much time as you need, but could you tell
2 us what the circumstances were. Tell us about that last
3 time you saw your grandmother?

4 A. I had started a job in Lake City, and I borrowed her
5 car to get to work that day because her car was cheaper on
6 gas.

7 Q. All right. And what kind of car was it?

8 A. It's a Toyota Camry.

9 Q. And what color was it?

10 A. Black.

11 Q. And proceed. You borrowed her car?

12 A. I come home that day, and my girl met me there to
13 pick me up and ---

14 Q. Met you?

15 A. At my grandmother's house.

16 Q. And I didn't ask you this. Where is your
17 grandmother's house?

18 A. On Calhoun Street.

19 Q. Right here in the City of Dillon?

20 A. Yes.

21 Q. Proceed. I'm sorry.

22 A. I go knock on the door and I go inside and talk to
23 grandma. And she asked me how my day was and how work was
24 going and all that. And I got up to leave and my
25 girlfriend asked me to get some paper towels.

1 MR. BROOKER: Just for purposes of the record, Your
2 Honor, I think that would be hearsay. I know he can say
3 what Ms. Stutts said, but he can't say what his girlfriend
4 said. I make an objection based on that.

5 BY MR. REDMOND:

6 Q. Just don't say anything that your girlfriend said.
7 You were talking about getting paper towels?

8 A. Something was spilled in my truck so I got some paper
9 towels and went back in and got some paper towels. And we
10 got out and cleaned the truck and told grandma at that
11 time that I was going; that I love her and make sure she
12 shut the door and lock it before I left.

13 Q. And repeat that last part. You made sure she did
14 what?

15 A. I made sure she locked the door before I left.

16 Q. Now, did you try to make contact with her again later
17 on?

18 A. Yes, sir.

19 Q. Tell us about that?

20 A. I tried to call her probably about nine o'clock that
21 night and didn't get an answer and thought she was just
22 went on to bed early.

23 Q. Did you ever speak to your grandmother again?

24 A. No, sir.

25 Q. And, of course, obviously, you discovered that your

1 grandmother was deceased?

2 A. Yes.

3 Q. Now, with that if I could direct your attention to

4 the monitor, and hopefully this will work. This is

5 State's Exhibit Number One. If you can see tell the

6 ladies and gentlemen of the jury what State's Exhibit One

7 is?

8 A. That's any grandmother's house.

9 Q. And that is the front of the house?

10 A. Yes.

11 Q. And I believe that's on Calhoun Street here in

12 Dillon?

13 A. Yes.

14 Q. What State's Exhibit Number Two?

15 A. ~~That's the side of her house at the door that we~~

16 always went in.

17 Q. Okay. And is that the door that you went in and

18 exited on the 17th of August 2009?

19 A. Yes, sir.

20 Q. And State's Exhibit Number Three; is that a closer

21 view of the house, of that door?

22 A. Yes, sir.

23 Q. State's Exhibit Number 12. What is State's Exhibit

24 Number 12?

25 A. That's grandma's car.

1 Q. That the car that you drove that day?

2 A. Yes, sir.

3 Q. And I didn't ask you this. Do you remember what --
4 about what time you brought it to your grandmother's
5 house?

6 A. About six o'clock, 6:15.

7 Q. Okay. And, again, is this the car you borrowed from
8 your grandmother?

9 A. Yes, sir.

10 Q. Is that where you left the car? Is that your
11 grandmother's residence?

12 A. No, sir.

13 Q. And is that a back view of your grandmother's house?

14 A. Yes, sir.

15 Q. That's it. Thank you, Joshua. Please answer any
16 questions that Mr. Brooker may have for you.

17 CROSS-EXAMINATION

18 BY MR. BROOKER:

19 Q. Mr. Lee, I'm going to be very brief and just ask you
20 some very general questions, but I won't hold you long?

21 MR. REDMOND: Your Honor, if I could ask Mr. Brooker
22 to speak up. I'm having trouble hearing you.

23 MR. BROOKER: I'll speak loud.

24 BY MR. BROOKER:

25 Q. Mr. Lee, I think you testified that you borrowed your

1 grandmother's car and that you took it back that afternoon
2 and that that was the last -- that's the last you saw of
3 your grandmother; is that correct?

4 A. Yes, sir.

5 Q. And I don't want to be insulting, but just for the
6 purposes of the jury, were you present -- were you present
7 at the time in which your grandmother was abducted?

8 A. No, sir..

9 Q. Okay. So when you're testifying to the jury is that
10 you're not testifying as an eyewitness with respect to
11 what happened at the time of the abduction; is that
12 correct?

13 A. Right.

14 Q. And because you were not a witness to the abduction,
15 you were not an eye witness to the abduction, you can't
16 testify -- you're not testifying, you know, as an
17 eyewitness the respect what if any Mr. Damian's -- Damian
18 Inman's involvement in that abduction was; is that
19 correct?

20 A. Yep.

21 Q. Okay. And also because and I'm -- you were not
22 present unfortunately at your grandmother's death; is that
23 correct?

24 A. Right.

25 Q. Okay. And because you were not present at the time

1 of your grandmother's death you're not testifying to the
2 jury -- you're not trying to tell the jury, you know, that
3 you can tell them as an eyewitness with respect to what
4 Mr. Damian Inman's involvement or participation in your
5 mother's death was; is that correct?

6 A. No, sir.

7 MR. BROOKER: No further questions for the witness,
8 Your Honor.

9 MR. REDMOND: No redirect, Your Honor.

10 THE COURT: You may step down.

11 MR. DANIEL: State calls Ricky Lee.

12 THE COURT: Mr. Lee, if you will come around and be
13 sworn, please.

14 RICKY LEE, after being duly sworn, testified as
15 follows:

16 THE COURT: Have a seat.

17 DIRECT EXAMINATION

18 BY MR. DANIEL:

19 Q. Mr. Lee, good morning.

20 A. Good morning.

21 Q. Thank you for being here. Of course, our deepest
22 sympathy for everybody. Can you tell the jury the
23 relation between you and Ms. Stutts?

24 A. She was a very unique mother in law is what she was.

25 Q. How long had you been her son in law?

1 A. Twenty something years I guess. It might be 30. I
2 don't know.

3 Q. Mr. Lee, let's go to back to August of 2009. I
4 promise I will make this as quickly as I can. When did
5 you first know something wasn't right?

6 A. Well. I also tried to call momma. I call her momma.
7 I tried to call her, too. So I figured she was going to
8 bed early that night. And I tried to call her again in
9 the morning, next morning, and I couldn't get an answer.

10 So I went over to the house. Maybe she was on the
11 couch sleep real heavy or something. I pulled up to the
12 house. I saw the car was gone, and noticed that the back
13 door was left open and that was something momma never
14 done, to leave that door open as long as I've known her.

15 Q. And this would have been that Tuesday morning?

16 A. Yes.

17 Q. So you tried to get in touch with her Monday night?

18 A. Yes.

19 Q. And you figured she was sleep?

20 A. Right.

21 Q. So this is -- was it early Tuesday morning?

22 A. Yes, 5:30, six o'clock, in that area.

23 Q. So when got there and notice these things that were
24 unusual what did you do?

25 A. Well, I went in the house and called her name several

1 times and looked around. Then I walk back up in the yard.
2 Walk back through the backyard and there was a big ditch
3 behind momma's house and for some reason I walked back
4 there and looked and went back up to the house and I
5 noticed that her water hose, the spicket, was still
6 running on the water. And I start getting the inkling
7 that something is going on.

8 Q. Mr. Lee, did you see, when you were in the house, did
9 your see a key rack?

10 A. Yes, sir.

11 Q. Where was that key rack?

12 A. It was on the floor.

13 Q. Did it belong on the floor?

14 A. No, sir.

15 Q. Did your mother in law keep her keys on that key
16 rack?

17 A. Pretty much kept them on there any time she came in
18 the house.

19 Q. Okay. That at that point you obviously knew
20 something was really wrong. So what did you do?

21 A. Well, I think at that time is when I called my wife.
22 I told her, "Something is going on, and I can't find
23 momma." So.

24 Q. Okay and then at some point someone called the
25 police. Was that you?

1 A. I can't remember if I called or my wife called. We
2 did call the police.

3 Q. Okay. I'm going to show you a few pictures, if you
4 would, please. Okay. Now, you have, obviously, your
5 monitor down there. This is State's One. I'm showing to
6 show you, and you've already seen these. Can you identify
7 that for me?

8 A. That was momma's house.

9 Q. Okay. And State's Two?

10 A. This is her driveway going up into the house.

11 Q. And State's Three?

12 A. That's what I call the side door. That's the door we
13 always used to go in and out.

14 Q. Okay. And now State's Four; what is that?

15 A. That is her backyard and side yard going to the
16 backyard.

17 Q. So I think your testimony is you walked around to the
18 backyard to see if you noticed anything?

19 A. Yes, sir.

20 Q. Where is that ditch in this photo?

21 A. It's on the back through those trees. Behind these
22 trees.

23 Q. Okay. State's Five, what is State's Five?

24 A. That's her water hose and this little building
25 attached is a tool shed she had.

1 Q. Okay. State's Six?

2 A. That's one of my grandchildren bicycles, I imagine
3 and that's a car seat for a child, and I believe this is a
4 little chair she had just to sit in when she would go to
5 ball games and whatever.

6 Q. And is this how you found the backyard when you
7 walked down there that day?

8 A. Yes, sir.

9 Q. State's Seven, this is just a close up? Do you
10 recognize those two items?

11 A. Yes, sir. That's the baby seat there, and this is a
12 shoe -- momma ...

13 Q. Take your time.

14 A. There is one of the shoes momma always wore.

15 Q. And State's Eight, this is a close up of that shoe?

16 A. That's her shoe.

17 Q. State's Ten, what is that a photo of?

18 A. That's the dining table, and looks like a key rack
19 laying there.

20 Q. On the table and then look at State's 11, is that the
21 key rack you were talking about?

22 A. Yes. I made this little sign for the grandchildren,
23 that's her key rack there. Supposed to be on the wall.

24 Q. Mr. Lee, thank you for answering my questions.

25 Please answer any questions Mr. Brooker may have.

CROSS-EXAMINATION

BY MR. BROOKER:

Q. I'll be extremely quick. Also express my condolences as well.

A. Thank you.

Q. I'm going to ask you some quick and simple questions, Mr. Lee, very similar to the previous witness. And like I said I don't mean to insult you, but I have to ask them.

Were you present at the time in which -- were you present at the time in which your mother in law was abducted?

A. No, sir, I wasn't.

Q. Okay. And because you were not present at the time in which your mother in law was abducted is that you're not testifying as an eyewitness with respect to what happened; is that correct?

A. No, sir, I'm not.

Q. Okay, and because you're not testifying as an eye witness with respect to what happened you're not testifying to this jury that as an eyewitness that, you know, what if any Damian Inman's involvement was in your mother in law's abduction?

A. I don't.

Q. Okay. And you were not also present when she was killed; is that correct?

A. No, sir, I wasn't.

1 Q. Okay. And because you were not present when she was
2 killed is that you're not testifying as an eyewitness with
3 respect to what happened at the time in which she was
4 killed; is that correct?

5 A. No, sir, I'm not.

6 Q. Okay. And because you were also not present you're
7 not testifying as an eye witness with respect to what
8 Damian Inman's involvement was in your mother's -- your
9 mother in law's kill; is that correct.

10 A. That's right.

11 Q. All right. Thank you, sir.

12 MR. BROOKER: No further questions, Your Honor.

13 MR. DANIEL: No redirect.

14 THE COURT: You may step down.

15 SPEAKER 2: May it please the Court. State calls
16 Crystal Norris.

17 CRYSTAL NORRIS, after being duly sworn,
18 testified as follows:

19 CLERK OF COURT: Be seated in the witness box. State
20 your full name for the Court spelling your last.

21 THE WITNESS: My name is Crystal Norris, N-O-R-R-I-S.

22 DIRECT EXAMINATION

23 BY MR. DANIEL:

24 Q. Ms. Norris, good morning. Were you at some point
25 employed by the Dillon County Police Department?

1 A. Dillon City.

2 Q. All right. Dillon City Police Department. And what
3 was your rank there?

4 A. At the time I was a corporal.

5 Q. And how many years of law enforcement had you had? I
6 know you don't work in law enforcement anymore?

7 A. Approximately 11 at the time.

8 Q. All right. Did you respond to a call in the early
9 morning hours of August the 18th 2009?

10 A. Yes, sir.

11 Q. What was the nature of that call?

12 A. I was dispatched to a residence at 947 West Calhoun.
13 Went to the residence in reference to a missing person.

14 Q. And when you got to the house what did you find?

15 A. When I arrived I spoke with Mr. Lee who was already
16 there.

17 Q. That's Ricky Lee?

18 A. Yes, sir.

19 Q. Okay?

20 A. Mr. Ricky Lee, he was already there. When I spoke
21 with him he couldn't find -- he called her mom. He could
22 not find her, and we noticed that the key rack that she
23 kept her keys on was not on the wall where it had been.
24 It had been a pitcher of tea left out on the table. I
25 believe he stated at the time that she was very meticulous

1 about putting things away.

2 The door was opened. Her car was gone. And the
3 backyard, there was a shoe that was one of a set. A pair
4 of shoes that was left in the backyard and a child seat
5 that was found in the backyard also that later on we found
6 out that she always kept it in the trunk of her vehicle.

7 Q. So when you saw this what did you do?

8 A. Well, I talked to Mr. Ricky and at some point his
9 wife arrived as well, and I spoke with them. And during
10 the course of this going on I was doing an incident
11 report. I asked central dispatch to B.O.L.O. the vehicle
12 and for information on the vehicle. And Ms. Stutts was --
13 be on the lookout for her. That would have went over the
14 radio, and people, officers, within the community and
15 county would know to be looking for her. It also came to
16 our knowledge that sometimes she would go in the mornings
17 to Hardee's or something like that.

18 And so then I requested an officer go and check
19 uptown to see if they saw her or saw her vehicle or her in
20 the area. And I stayed at the residence while they did
21 that. I continued to get all the information on her that
22 I could, and after that point we found out she wasn't
23 there. I believe it was August Cummings that went with me
24 to the residence.

25 He stayed and I went to the police department to

1 finish the report, to make copies to take to the dispatch
2 office that we could enter her vehicle and her as a
3 missing person in the N.C.I.C. system where they house
4 criminal information nationwide.

5 Q. So of all of this you did in accordance with your
6 typical policies and procedures?

7 A. Yes, sir.

8 Q. So when you left to go back to the police station you
9 had a city policeman that you left at the scene to secure
10 that scene until investigators could get there?

11 A. Yes, sir.

12 Q. Okay. I'm going to show you a few photos. Just take
13 a look just to identify, okay. Now, this is State's Four.
14 You recognize that as something you saw that day?

15 A. Yes, sir.

16 Q. And what is that?

17 A. That would have been the side and backyard of
18 Ms. Stutts' house in the corner the fence the stroller or
19 the -- that was kept in the trunk of her car.

20 Q. Okay. State's Six, that's another photo of the
21 backyard that you saw and is that the condition -- I guess
22 my question is is that the condition the backyard was in
23 when you saw it that day?

24 A. Yes, sir, substantially.

25 Q. Okay. State's Seven, just a close up of that

1 stroller and shoe?

2 A. Yes, sir.

3 Q. And that's how you saw it that day?

4 A. Yes, sir.

5 Q. And then State's Eight?

6 A. Yes, sir.

7 Q. A pair of shoes?

8 A. Yes, sir.

9 Q. Okay. Ms. Norris, please answer any questions the
10 defense may have.

11 A. Okay.

12 CROSS-EXAMINATION

13 BY MR. BROOKER:

14 Q. Thank you. Ms. Norris, very briefly. Were you
15 present at that time in which Ms. Stutts was abducted?

16 A. No, sir.

17 Q. Okay. And because you were not present at the time
18 in which Ms. Stutts was abducted is that you were not a
19 witness to her abduction; is that correct?

20 A. That is correct.

21 Q. Okay. And because you were not a witness to her
22 abduction you have no eyewitness testimony to offer to
23 this jury with respect to what happened during the course
24 of her abduction?

25 A. No, sir, I do not.

1 Q. And because you were not present during her abduction
2 then, of course, is that it is not your testimony to this
3 jury that you have eyewitness testimony with respect to
4 what if any Mr. Inman's involvement in that abduction was;
5 is that correct?

6 A. That is correct.

7 Q. Okay. And, Ms. Norris, you were also not present,
8 and correct me if I'm wrong, you were also not present at
9 the time of Ms. Stutts' killing; is that correct?

10 A. No, sir.

11 Q. Okay. And because you were not present at the time
12 in which Ms. Stutts was killed is that you have no
13 eyewitness testimony with respect to how that killing took
14 place or who participated; is that correct?

15 A. That is correct.

16 Q. Okay. And because you were not present and an
17 eyewitness with respect to Ms. Stutts's killing it is not
18 your testimony that -- it is not your testimony that
19 you're an eyewitness with respect to what if any Mr.
20 Damian Inman's participation was; is that correct?

21 A. Yes, sir.

22 Q. Okay.

23 MR. BROOKER: No further questions, Your Honor.

24 MR. DANIEL: No redirect, Your Honor.

25 THE COURT: You may step down. Thank you.

COLLOQUY

1
2 MR. DANIEL: Your Honor, our next witness is one of
3 our lead investigators. He is going to be a little bit
4 longer than the rest.

5 THE COURT: Okay. Let's take about ten minutes, come
6 back and start the next witness. You may retire to the
7 jury room for your break.

8 (WHEREUPON, the jury panel was excused from the
9 courtroom at 11:45 a.m.)

10 THE COURT: I did not see anything humorous about the
11 first two witnesses. I don't know what three individuals
12 back here in the gallery thought was so funny. But you
13 let me catch you laughing one more time when a witness is
14 testifying and somebody is going to jail. Now, if you
15 can't behave yourselves while you're in this courtroom you
16 best get out the door and find something else to do.

17 MR. REDMOND: Your Honor, if I may. I feel compelled
18 to bring this up. I did not see this. This is not the
19 first time that we have dealt with these, at least two of
20 these things. I don't know the lady on the end, but we
21 dealt with them before. This is not the first time they
22 have been admonished about being in Court and how they
23 act.

24 Judge Cottingham had to do it in Bennettsville.
25 Judge Russo did it during the previous trial. So, again,

1 this is a repeated pattern, and you are the third judge
2 that has had to call them down on it. I think I'm
3 compelled to make the Court aware of it.

4 THE COURT: One more laugh out of you and I meant
5 with I said. Now, if you can't handle yourself get out
6 the door now. Court's in recess for ten minutes.

7 MR. REDMOND: Thank you, Your Honor.

8 (WHEREUPON, Court was in recess at 11:47 a.m. and
9 reconvened at 11:59 a.m.)

10 (WHEREUPON, the jury panel enters the courtroom at
11 12:02 p.m.)

12 THE COURT: Solicitor, you may proceed.

13 MR. DANIEL: Your Honor, may it please the Court.
14 The State calls Investigator Jason Turner.

15 THE COURT: Come around and be sworn, please.

16 JASON TURNER, after being duly sworn, testified
17 as follows:

18 CLERK OF COURT: Be seated in the witness box. State
19 your full name for the Court spelling your last.

20 THE WITNESS: My name is Larry Jason Turner.
21 Spelling of last name is T-U-R-N-E-R.

22 DIRECT EXAMINATION

23 BY MR. DANIEL:

24 Q. Mr. Turner, by whom are you employed?

25 A. City of Dillon Police Department.

1 Q. What's your rank?

2 A. Rank of a sergeant.

3 Q. And what do people call you, detective?

4 A. Yes, sir.

5 Q. How long have you been employed in law enforcement?

6 A. July 1 will be 20 years.

7 Q. And how long ---

8 A. --- this year.

9 Q. I'm sorry?

10 A. This year.

11 Q. And how long have you been an investigator?

12 A. Since 1999. About 15, 16 years.

13 Q. Okay. Detective, you certainly know why we're here
14 this week. When did you first become aware that there was
15 a situation back in August of 2009 involving Ms. Mary
16 Alice Stutts?

17 A. In August 2009, the date in question, I was actually
18 investigator or detective on call. I received a phone
19 call from Crystal Norris. As a result of that phone call
20 I learned that I had a missing -- a lady who was reported
21 missing. An elderly lady reported missing and there were
22 some things at the scene and that I needed to come look at
23 and see -- make an assessment of that information.

24 Q. So what did you do?

25 A. As a result of I showed up on scene. I met with

1 Ricky Lee and Bobbie Lee. I also met with Deputy Michael
2 Barfield who was at the scene when I got there. He was
3 standing by until I could get there.

4 It's not uncommon, the City and County, we always
5 respond to calls together a lot of times. It's not
6 unusual to have sheriff deputies on a city call or vice
7 versa.

8 I met with Ricky Lee. I asked him to walk me through
9 what he had learned that morning. As a result of that
10 conversation I learned that he found the car gone. He
11 found the car gone at the house. Normally sat in the
12 driveway. Facing the house it would have been to the
13 left. also there was a stroller, a chair and a lady's shoe
14 in the backyard which Mr. Lee identified as Ms. Stutts
15 shoe. One of Ms. Stutts' shoes that she normally had
16 worn. We walked through the house, and I know this may
17 sound silly, but as we walked through the house, and I
18 know that law enforcement already searched it, I always
19 like to search it again to make sure we didn't miss
20 anything. Checking under beds and closets just in case.

21 So we walked back through the house. I had Ricky Lee
22 show me if the house was in order or what was out of order
23 or point out one of the only things that was out of order
24 was a key chain. A wooden key chain holder. A wooden key
25 chain holder that normally holds Ms. Stutts' key and it

1 was actually off the wall.

2 Q. Okay. And so when you noticed these things, all of
3 these things that were kind of off, what did you do with
4 that information?

5 A. What we did with the information was I looked at it
6 closer. I walked back outside and asked Ricky and Bobbie
7 Lee to go back down to the roadway. There were some
8 people that -- they had called some family members and
9 friends. We moved them all to the roadway.

10 When I got around to the back where the shoe was you
11 can see what appeared to be tire marks from where the car
12 would have been -- normally been parked. It was still
13 morning and there was some dew on the ground. So you
14 would really see where it appear tire tracks went to the
15 backyard.

16 They stoped near where the stroller and chair were on
17 the ground. Ricky Lee advised me that those were normally
18 in the trunk of Ms. Stutts's car. When I got closer to
19 the show you could see where the shoe on the ground was
20 there was a slight indention in the ground which appeared
21 to be like a drag mark and a heal.

22 I wasn't sure at the time, but based on seeing that I
23 looked at Michael Barfield and asked him to get his crime
24 scene tape out of the truck and he roped off the whole
25 house and we asked family to stay by the road. And then

1 I, of course, notified by supervisor, who is my
2 supervisor, Bobbie McClain who also notified the Chief of
3 what I had just seen based on that secondary look.

4 Q. And then at some point shortly after that was
5 S.L.E.D. called in to handle the crime scene?

6 A. Yes, sir. What we did next was my assistant chief
7 showed up. I showed him what I saw. What I just told
8 you. He agreed with me. He called S.L.E.D. and had them
9 send a field agent and crime scene team to come collect
10 any evidence if any.

11 Q. Okay. Let's talk about the photos that you just
12 mentioned or thing that you just mentioned that are going
13 to be on the photos. Okay. This is State's One, and
14 again, you've seen it several times. Can you confirm what
15 is State's One?

16 A. State's One is the a front shot of Ms. Mary Alice
17 Stutts' house..

18 Q. Okay. State's Two?

19 A. State's Two, I simply moved over several feet to
20 catch the driveway and the left side. If you're facing
21 the left side of Ms. Stutts' house.

22 Q. State's Three?

23 A. This is just a close up shot of the door on the left
24 side of Ms. Stutts' house.

25 Q. Now, let me just stop you there. I'm showing you

1 probably ten photos, but about how many photos did you
2 take of the whole place? Inside? Outside and every place
3 else?

4 A. With digital photography I was able to take anywhere
5 from 50 to 200 photo just myself. So multiple shots,
6 taking one or two steps, I'm not -- I can't remember
7 exactly how many I took, but I would have to say I'd taken
8 anywhere from 50 to 200. It's better to have it. What we
9 always tell our people is take more. You can always not
10 use them.

11 Q. And that's not counting what S.L.E.D. would have come
12 in and taken?

13 A. This is not including S.L.E.D's Crime Scene. This is
14 just mine.

15 Q. Okay. State's Four?

16 A. As you approach from the last picture, as you
17 approach the beyond the door, this is the side and back
18 view of Ms. Stutts's left side yard into her backyard.

19 Q. And State's Five?

20 A. As you take a couple steps into the side yard I just
21 simply turned to the right and panned toward the little
22 shed and the water hose in the backyard, in the back of
23 Ms. Stutts' house.

24 Q. State's Six.

25 A. From the last photo this would have been on the

1 direct opposite side. I walked completely around to the
2 photo back towards where I was just standing. And this
3 captured the shoe, the stroller, and the chair that would
4 have been in the back of Ms. Stutts' vehicle.

5 Q. And that, State's Seven, is that a close up of that
6 stroller and the chair beneath the stroller?

7 A. Yes, sir.

8 Q. Okay. State's 8, that's the shoe?

9 A. Yes, that the same shot of the shoe?

10 Q. State's Nine?

11 A. State's Nine, if you will look, this is standing
12 exactly beside the door that Mr. Ricky Lee and I used to
13 go into the side of the house. This is facing back
14 towards Calhoun Street like you're driving out of her
15 yard. If you notice the reason why this picture was
16 significant is the wear path where she normally drives is
17 here to the right. If you look to the left of the wear
18 path there is what appears to be a tire mark where someone
19 drove outside of the normal tire path and straight over a
20 shrub as it goes onto Calhoun Street.

21 Q. Okay. State's Ten?

22 A. This is a kitchen shot of Ms. Stutts' house. The
23 door that I was talking about, if you face Ms. Stutts's
24 house, that side door that we took a picture of, if you
25 walk in that door this is what your view is. This is what

1 you will immediately see if you walk in that side door.

2 Q. And State's 11?

3 A. This would be the key rack that was -- appeared to be
4 out of place from its normal position.

5 Q. Okay. Now, with all the information you had, I
6 believe you said you thought you had a missing person
7 situation, right?

8 A. Yes, sir.

9 Q. Okay. So what did you do next?

10 A. Based on the information that we just saw, of course,
11 I couldn't tell the family this, but I talked with law
12 enforcement, my law enforcement partner, I was a little
13 more convinced that we were dealing with a possible
14 abduction more than a missing person just drawing a common
15 sense timeline. I wasn't sure so we opted to treat it as
16 the more serious so that we could utilize better
17 resources. We had S.L.E.D. Crime Scene on the way. We
18 got in touch with Sheriff Major Hulan who showed up on the
19 scene at the time.

20 We talked with our Sheriff. We talked with our
21 Assistant Chief. We pulled our resources. S.L.E.D. Agent
22 Steven Howell was assigned to the case. We began
23 interviewing neighbors. We just went door to door, just
24 old fashioned police work, started knocking on doors.
25 Hey, did you see anything.

1 After we went around the neighborhood we learned that
2 no one saw nor heard anything unusual at Ms. Stutts'
3 house. We knocked on doors, but we gathered no valuable
4 information from knocking on doors.

5 Q. Okay. What did you do next?

6 A. From that point S.L.E.D. Crime Scene would have
7 showed up and after a period of time S.L.E.D. Crime Scene
8 shows up. We're still talking to neighborhood. Talking
9 to family members trying to generate a timeline when was
10 the last time someone spoke or saw Ms. Stutts.

11 We were trying to figure out the newspaper deliver
12 trying to find the lady who delivered the newspapers to
13 see if she saw anything that morning. We were unable
14 to -- we were unable to find anyone who could say that
15 they saw Ms. Stutts beyond Josh Lee the night before when
16 he returned the car. So S.L.E.D. Crime Scene shows up.
17 They being processing. We already dispatched the B.O.L.O,
18 be on the lookout, for the vehicle.

19 While we were brainstorming trying to figure out
20 different things to do to locate Ms. Stutts and/or the
21 car. We -- one of the many things that we did we called
22 Don's Car Crushing and then we called Lockamy's Scrap
23 Metal. At the time Lockamy's Scrap Metal was open till
24 the time it closed because they would be facility big
25 enough to take a car. And so we gave them the tag number

1 and description of the car just in case they showed up.

2 So while S.L.E.D. Crime Scene was on scene at the
3 house trying to gather information a call comes over the
4 radio that Ms. Stutts' car just left or pulled into
5 Lockamy's Scrap Metal with two individuals trying to sell
6 the car.

7 Q. Okay?

8 A. As a result of that information everybody left the --
9 we had officers who were obviously out and about
10 patrolling looking for it. One of the officers spotted
11 the vehicle on 301 South. I stayed at the crime scene
12 because someone had to stay at the scene, but every other
13 law enforcement in Dillon County went to get to try and
14 stop this vehicle.

15 As a result of that the vehicle eventually stopped,
16 and I learned that there were two individuals in the
17 vehicle and that Mr. Stutts was not in the vehicle.

18 Q. Okay. So at that point there were two people in
19 custody?

20 A. There were two in custody.

21 Q. Do you know who those two people were?

22 A. While I was still on scene my Assistant Chief, Bobby
23 McClain, came back to the scene to relieve me. He advised
24 me that John Henry Bridges was in the car and Lorenzo
25 Inman was in the car, was apprehended from the car.

1 Q. And he instructed you to do what?

2 A. He instructed S.L.E.D. Crime Scene to show back up on
3 scene at the house to finish processing the scene. I was
4 instructed by Assistant Chief McClain to do to the Task
5 Force Office, the Dillon County Task Force Office, to
6 interview one of the two individuals. At the time I
7 wasn't sure who was in the back of the car.

8 Q. Now, incidentally, what kind of car was it?

9 A. It was a Toyota Camry.

10 Q. Do you know what year?

11 A. I can't remember, but the significance of
12 Ms. Stutts's Toyota Camry at the time was that at the time
13 I had a tan color or gold colored Camry. It was the exact
14 make and model of Ms. Stutts' that I had purchased for my
15 daughter. So the reason why it was significant is because
16 it's exactly like mine.

17 Q. And what was the value of that car?

18 A. About \$5,200.

19 Q. So.

20 MR. BROOKER: Judge, objection, Your Honor. And
21 maybe this is not just for clarification, he's testifying
22 to the value of his car or to the value of Ms. Stutts'
23 car?

24 THE COURT: I'll have to defer to you whether the
25 testimony there is leading.

1 MR. DANIEL: I can clear that up.

2 BY MR. DANIEL:

3 Q. Have you investigated cases before involving similar
4 cars?

5 A. Yes, sir.

6 Q. Okay. And in your experience, both through your job
7 and I think you said you had some personal experience with
8 the same make and model of car, what the approximate value
9 of a car like that?

10 A. Around about \$5,400.

11 Q. Now, you said you went to the Task Force.

12 MR. BROOKER: I'm going to make an objection, Your
13 Honor. Is that is he stating that that is the value of
14 Ms. Stutts' car? If not, then, of course, what he stated
15 has not laid a proper foundation in respect to
16 establishing the value of Ms. Stutts' car.

17 THE COURT: I agree. I sustain your objection.
18 Strike the answer. It may be relevant later on.

19 MR. DANIEL: Yes, sir. We can get into that later
20 on.

21 Q. Okay. You go back to the Task Force?

22 A. Yes, sir.

23 Q. And you meet with -- you were told to meet with two
24 that were in custody?

25 A. Yes, sir.

1 Q. Which one did you meet with?

2 A. When I got to the Task Force Office I met with John
3 Henry Bridges. His father was there and I think -- I
4 can't remember, his stepmother. I want to say that she
5 was the stepmother, but she may have raised him as her
6 own.

7 But I met with the dad. The dad actually wanted to
8 speak with John Henry before we spoke to him. And so what
9 we did was we allowed the father because he was a
10 juvenile. He was actually 15 or 16 at the time. He was a
11 juvenile. So we talked amongst ourselves and let the dad
12 go talk to John Henry before we talked to him.

13 Q. And then after that did you in fact go talk to John
14 Henry?

15 A. We did. The father come out and he walked out and
16 leaves. So myself and Allen Rogers and I can't remember
17 if Steven Howell was on the scene or not. But I know
18 myself and Allen Rogers was there. We walked into the
19 room to use Robbie Buse's Office which is a separate
20 office from like a foyer area. We walked into the office
21 and we read his Miranda rights to go over the written
22 form, and he waived his Miranda rights.

23 After we read him his rights I simply ask him, "John
24 Henry, what can you tell me about the car? How did you
25 come about getting in the car?" I was actually going to

1 work the angle of from the car back. When I asked him
2 about the car he looked at me and says ---

3 MR. BROOKER: Objection, Your Honor. He can't
4 testify to that. That would be hearsay. Of course, I
5 assume that Mr. Henry is going to testify. They can get
6 it in that way, but he can't testify to what Mr. Henry
7 said.

8 BY MR. DANIEL:

9 Q. You know, just do not talk about what anyone said.

10 THE COURT: Sustained.

11 BY MR. DANIEL:

12 Q. You talked with John Henry Bridges?

13 A. I did.

14 Q. And as a result of that conversation what did he do?

15 A. As a result of that conversation with John Henry
16 Bridges we were taken to the body of Ms. Mary Alice
17 Stutts.

18 Q. And who took you to that body?

19 A. John Henry Bridges led myself and the Sheriff's
20 Department deputies to the body of Ms. Mary Alice Stutts.

21 Q. He did that voluntarily?

22 A. He did.

23 Q. Okay. So where was that? Where was the body of Ms.
24 Stutts located?

25 A. The body of Ms. Stutts what's located on Admiral

1 Drive which is off of Highway Nine West just beyond Little
2 Rock like going towards Bennettsville or Clio. It's a
3 dirt road in between two -- some farmland. And it kind of
4 goes back and makes a curve into some trees where a ditch
5 is.

6 Q. Okay. And so what happened when you got there?

7 A. When we got to Admiral Drive we stopped several feet
8 beyond the curve. We got out and as a result of asking
9 John Henry why we were on Admiral Drive he actually
10 reenacted the night before and showed us where Ms. Stutts'
11 body was drug off the roadway about several yards into a
12 ditch line where there was woods in about 50 to 70 yards
13 down that ditch into that culvert because you can only
14 down in that ditch into the woods from the ditch.

15 Q. Okay. Now, we're going to get in later, everything
16 that happened on Admiral Drive, but at that point there
17 were two people in custody?

18 A. There were two people in custody, Lorenzo Inman and
19 John Henry Bridges were in custody at that time.

20 Q. And at that point standing on Admiral Road or Admiral
21 Drive, did law enforcement learn information that lead you
22 to a third suspect?

23 A. Based on the conversation on Admiral Drive we learned
24 that Damian Inman was a third suspect in the shooting.

25 Q. Okay. So how was Mr. Inman, this Damian Inman, how

1 was he apprehended?

2 A. While we were standing on Admiral Drive Mr. Ridge
3 Thompson called Dillon High School because it was a school
4 day. And they called Dillon High School and spoke with
5 the school resource officer and learned from that
6 conversation that Damian Inman was actually at Dillon High
7 School. So we sent a team of officers to go to the high
8 school to take Mr. Inman into custody.

9 Q. Did that happen?

10 A. That did happen.

11 Q. Incidentally, Ms. Stutts' home, is that in Dillon
12 County?

13 A. In Dillon?

14 Q. Ms. Stutts' home, is Ms. Stutts' home in Dillon
15 County?

16 A. Dillon County, yes, sir.

17 Q. Is Admiral Drive, where you said that Ms. Stutts'
18 body was found, is that also in Dillon County?

19 A. That is.

20 Q. So now you have three people in custody?

21 A. Yes, sir.

22 Q. All right. And did that end your day's work
23 essentially?

24 A. That did not. When the team left to go to the high
25 school to get Damian myself and Allen Rogers went back to

1 the Task Force Office with John Henry Bridges to complete
2 the statement and find out any details or facts that
3 Mr. Henry wanted to tell law enforcement.

4 Q. So you took a statement from John Henry Bridges?

5 A. Yes, sir.

6 Q. Now, that was pretty all you did that day?

7 A. That's it.

8 Q. Okay. First thing the next morning what happens?

9 A. The next morning, collected law enforcement. We had
10 a meeting kind of a briefing on what we learned from the
11 day before. Make sure all the bosses have been give the
12 proper information. Make sure we've got all the properly
13 resources. Spread out to interview people that needed to
14 be interviewed because as a result of the conversation
15 with John Henry there were other people that needed to be
16 interviewed, other witnesses out there. We went in
17 different teams, and we went out to do those interviews
18 that next day.

19 Q. Okay. And so what was your next job?

20 A. My next duty was to -- at some point that day we
21 realized that we talked to John Henry. He had written a
22 statement and taken us to the body. We needed to sit down
23 and try to talk to Damian and Lorenzo Inman to see what
24 they had to say about the case.

25 Q. So tell me that day did you take a statement from

1 Damian Inman?

2 A. I did.

3 Q. Okay. Now, before Mr. Inman wrote his statement was
4 he advised of his Miranda rights?

5 A. He was.

6 Q. Damian Inman wrote his statement?

7 A. Yes, sir.

8 Q. Was he advised of his Miranda rights?

9 A. Yes, sir.

10 Q. All right. I'm going to go through those. Now, do
11 you recognize those documents that are on the screen that
12 has been marked as State's 55? Do you recognize that?

13 A. Yes, sir.

14 Q. What is that?

15 A. That's a Dillon County Sheriff's Office Miranda
16 Rights Form, written form.

17 Q. Okay. Now, you're aware that Mr. Inman was gone over
18 his rights with law enforcement?

19 A. Yes, sir.

20 Q. Is this a form that you've used before? You're
21 familiar with this form?

22 A. Yes, sir.

23 Q. This is a form that you have used before?

24 A. Yes, sir, we have.

25 Q. All right. These rights -- so the top is just basic

1 information. Can you read those five point that are on
2 every point?

3 A. The five common points that are on a Miranda Form:

4 "Number one, you have the right to remain silent.

5 Number Two, anything you say can be used against you
6 in a court of law.

7 Number Three, you have the right to talk to a lawyer
8 and to have him present while you're being questioned.

9 Number Four, if you can't afford to hire a lawyer one
10 will be appointed to represent you before any questioning,
11 if you wish.

12 And, Number Five, if you consent to answer questions
13 now without a lawyer present you will still have the right
14 to stop answering questions at any time."

15 Q. And you see certain witness signatures. That would
16 be law enforcement?

17 A. Yes, sir.

18 Q. All right. And then a waiver of rights. Read these,
19 please?

20 A. The waiver of rights has three yes or no questions.

21 First one, "Do you understand each of the rights that
22 I have explained to you?

23 Number Two, having these rights in mind do you now
24 wish to answer questions?

25 And, Number Three, do you wish to answer questions

1 without a lawyer present?

2 Q. Okay, now, this is already in evidence, but as we go
3 through that Miranda Form and then we get to the voluntary
4 statement. Now, this is what you do after you do Miranda
5 someone?

6 A. Yes, sir.

7 Q. You have them fill out whatever their statement is,
8 right?

9 A. Yes.

10 Q. Okay. Now, on this form, the very top section of
11 that form, again, what I'm showing you has been marked and
12 introduced as State's Six. What I'm showing you here is
13 the voluntary statement form of the defendant. You were
14 in the room when the statement was taken?

15 A. Yes, sir.

16 Q. Were you the one talking to Mr. Inman while he wrote
17 his statement?

18 A. Yes, sir.

19 Q. Okay, and how do you do that? Do you just give him a
20 piece of paper and say, "write?" Or do you talk him
21 through it first?

22 A. There are various ways to do it. Sometimes we walk
23 in and we do say, "Here. You know, you want to talk to
24 us? Write down what you want to write." Sometimes we
25 want to know the specifics or details or just a situation

1 where we -- there may be information that we may need to
2 collect and that we may need to act on based on the
3 statement.

4 Sometimes we actually talk about it first, and in
5 this case we actually sat down and talked through it. I
6 would have said something similar to, "Damian, tell me
7 what happened," and then I would have allowed him to tell
8 me from his point of view what happened.

9 Q. Who is in the room when you took the statement?

10 A. Lieutenant Roxanne Bethea with S.L.E.D.

11 Q. And when you were going over his rights, when you
12 were kind of setting the whole thing up, did it appear to
13 you in your 20 plus years of law enforcement experience,
14 that this was what was going on? Did it appear that he --
15 did he appear to be under the influence of any drugs or
16 alcohol or anything that may have impaired his ability to
17 understand what was going on?

18 A. No, sir.

19 Q. Was he threatened in any way to write this?

20 A. No, sir.

21 Q. Was he coerced or forced to talk to you?

22 A. No, sir.

23 Q. Okay. Was he denied the use of like a restroom? If
24 he needed to go to the restroom or wanted some water, did
25 y'all deny that to him?

1 A. No, sir.

2 Q. Okay. You didn't spit on him or anything like that?

3 A. No, sir.

4 Q. So to the best of your knowledge he cooperated with
5 you guys? He gave the statement freely and voluntarily?

6 A. Yes, sir.

7 Q. Now, we've already seen a form that he went over and
8 signed, his Miranda Form. This, at the top of this
9 statement, what is that section?

10 A. The first printed section it allows you -- we're
11 supposed to identify ourselves in that first blank line.
12 And the second blank line we identified who we are, what
13 our position is. But beyond that that is actually the
14 same Miranda warnings that I just read from the written
15 statement -- the written form.

16 This is actually another of the same thing. It's the
17 same Miranda warnings.

18 Q. So this top section is just basic information which
19 has his name, his address and his date of birth?

20 A. Yes, sir.

21 Q. Says he completed the 11th grade, and he can read and
22 write?

23 A. Yes, sir.

24 Q. Your name. Now, we get to these -- so this is just
25 another section where it goes over his rights?

1 A. Yes, sir.

2 Q. Okay. And then what are -- are those his initials
3 there on the side of that?

4 A. Those are.

5 Q. And how does that -- did he write that or somebody
6 else write that for him?

7 A. He wrote those.

8 Q. And what does that mean.

9 A. The reason one of the things that I do and different
10 agencies do it different ways. From my experience, from
11 prior issues, whenever we go over, especially Miranda form
12 or the State form itself, I always like for the individual
13 to initial before and after each paragraph. And the way I
14 use for an explanation for that is if it ever comes up at
15 a later time. What I did was we asked him to initial if
16 he understood the questions, and when he initials before
17 and after that he is signifying that, yes, I read it, and,
18 yes, I understand it.

19 And that's why I know it looks redundant but that's
20 why we do it before and after every paragraph printed.
21 And I ask them to do it before the written statement and
22 at the end of the written statement. And I also get them
23 to initial any mistakes they made to show that they
24 corrected the mistake on the form and not law enforcement.

25 So it removes the theory or thought of the statement

1 being altered or tampered with by law enforcement.

2 Q. So this would have been the second time at least that
3 day that he had been told all of his rights?

4 A. Yes, sir.

5 Q. And he still agreed to talk to you?

6 A. Yes, sir.

7 Q. At this point when you were talking he didn't ask for
8 a lawyer?

9 A. No, sir.

10 Q. And he initialed indicating that he understood what
11 was going on?

12 A. Yes, sir.

13 Q. Have you ever interviewed somebody who didn't
14 understand? Who didn't have the mental capacity to figure
15 out what was going on?

16 A. I have.

17 Q. And what do you do in those cases?

18 A. We stop. We don't go any further. Once we -- you
19 have to make an assessment. A lot of times I use common
20 sense. When you're talking with someone you have to use
21 common sense. If you're talking with someone and you
22 realize that -- I don't know the proper way to say this.
23 But maybe they don't have the ability to fully understand
24 what I'm trying to ask them. I will stop them and try to
25 find another avenue through a parent or maybe through a

1 family member or maybe they need an evaluation or some
2 type of help.

3 Q. But in this case did you have any of those concerns
4 with Damian?

5 A. No, sir.

6 Q. So we go -- we're going to get into the contents of
7 the statement in a minute. The bottom of the page, what
8 is that?

9 A. At the bottom of the page, it's the -- this is
10 actually this paragraph that tells how many pages it is,
11 the statement, which is exactly what I just explained
12 about the signature and the correction and the initials.
13 And it's got the time, the date and the signature of the
14 person giving the statement and the witnesses.

15 Q. And it also says there, does it not, "I further
16 certify that I made no request for the advice or presence
17 of a lawyer before or during any part of this statement
18 nor at any time before it was finished did I request that
19 this statement be stopped."

20 A. Yes, sir.

21 Q. Do you see that signature?

22 A. Yes.

23 Q. And that in fact is Damian Inman's signature?

24 A. Yes.

25 Q. And you witnessed him sign it?

1 A. I watched him sign it, yes, sir.

2 Q. In fact that is your signature to the left?

3 A. That's my signature to the left.

4 Q. All right. And then we get to Page Two, and what is
5 Page Two?

6 A. It's the secondary supplemental page. Nothing but
7 lines on it. It's an overflow page whenever someone goes
8 over the first page.

9 Q. At then again at the bottom of that page you see Mr.
10 Inman's signature again?

11 A. Yes, sir.

12 Q. And your signature again?

13 A. Yes, sir.

14 Q. And Mr. Inman initials there after the last word of
15 his statement?

16 A. Yes, sir.

17 Q. Okay. All right. So is this in fact -- of course,
18 this is already in evidence, but is this in fact the
19 statement that Mr. Inman gave on that day?

20 A. It is.

21 Q. Okay. You can see it, and I'm going to read the
22 statement the best I can decipher and you correct me if I
23 say anything wrong. Page One. "It was me and brother.
24 Three o'clock. Walked down road in Jacksonville. Then I
25 saw -- the heard. Then they told me and brother to walk

1 to get in the car. He said to walk down the block and get
2 in the car and then told us to go to the house and get or
3 he will kill me and my brother if we don't do it.

4 Henry went to door and asked the old woman for water
5 out the water hose. He said that he didn't know how to
6 turn the water on. That's when she came outside. That's
7 when he pointed the gun to her head to her to give the
8 money. Then she said that she does have the money.

9 Then she run. Then he knocked her down. Took her to
10 give him the key or he will kill her. That's when told me
11 to drive the car in the back. So he told my brother to
12 help him put in trunk of the car."

13 Now we go to Page Two. "Then told us to come with
14 him or he will kill us in car. Then he went riding
15 through Little Rock in that cut off through Bland Road in
16 to drop her body off. Then opened the trunk. Henry
17 dragged her out of the trunk and shot her twice in the
18 head. That dragged body in the woods. He told us to get
19 the car. Told us that if you told on me he would kill my
20 brother and my mother.

21 That when Henry drive the car through New Town and
22 Jacksonville. Then he told to get out the car at the
23 house. Told me again not to talk. Told my brother to
24 come with him or he will kill him, too. Around 10:30 they
25 left. Henry told my brother to help drag or he will shoot

1 him. Henry told me to put the bag of shells in my house
2 or him kill my mother.

3 Then they planned the whole thing. I tried to warn
4 her, but put the gun to my head and told me to stop or he
5 will shoot. I was scared. That's why I did said anything
6 to police because Henry said I was going to kill her.

7 Then I thought about then came in and told the truth
8 that" -- is that essentially what the statement says?

9 A. Yes, sir.

10 Q. Again, that was the voluntary statement given to you
11 by the defendant?

12 A. Yes, sir.

13 Q. Okay. After you took the statement from Mr. Inman
14 what did you do next?

15 A. After taking the statement from Mr. Inman we had
16 Mr. Damian Inman transported back to Dillon County, and
17 they would have been served with arrest warrants and
18 waiting for bond. We would have followed up on any leads
19 that come from any other names or witnesses or anything of
20 the sort.

21 Q. Okay. Now, finally, and I know this wasn't the end
22 of your investigation?

23 A. Right. Right.

24 Q. As a result of your entire investigation,
25 particularly the statement that you took from each of the

1 defendants and everything else, did you sign warrants on
2 all three individuals?

3 A. I did.

4 Q. And did you sign warrants on this particular
5 defendant as the others for armed robbery?

6 A. Yes, sir.

7 Q. For kidnapping?

8 A. Yes, sir.

9 Q. For possession of a weapon during the commission of a
10 violent crime?

11 A. Yes, sir.

12 Q. For burglary in the first degree?

13 A. Yes, sir.

14 Q. For criminal conspiracy?

15 A. Yes, sir.

16 Q. For grand larceny?

17 A. Yes, sir.

18 Q. And did you sign warrants on all of these
19 individuals, including Damian Inman, for murder?

20 A. I did not sign the warrants. Dillon County Sheriff
21 Allen Rogers signed the murder warrants.

22 Q. Why was that?

23 A. Because as a result of the information we learned the
24 actual death of Ms. Stutts occurred on Admiral Drive.

25 Q. Which is not in the city?

1 A. Which is not in the city. It is County jurisdiction.

2 MR. DANIEL: Beg the Court's indulgence.

3 BY MR. DANIEL:

4 Q. Sergeant Turner, please answer any questions Mr.
5 Brooker may have?

6 A. Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. BROOKER:

9 Q. Good morning, Detective Turner. I won't be very
10 long, but let me ask you the same questions I've been
11 asking every other witness?

12 A. Yes, sir.

13 Q. I'll ask you the same to you. Were you present at
14 the time that Ms. Mary Alice Stutts was abducted?

15 A. No, sir.

16 Q. Okay. And because you were not present at the time
17 in which Mr. Mary Alice Stutts was abducted then you're
18 not an eye witness to her abduction; is that correct?

19 A. Yes, sir, I'm not an eyewitness.

20 Q. Okay. And then, of course, is that because you were
21 not an eyewitness then you have no eyewitness testimony
22 with respect to what Damian Inman's involvement in her
23 abduction was?

24 A. No, sir, I have no eyewitness testimony. No, sir.

25 Q. Okay. And you were not -- you were also not a direct

1 witness with respect to Ms. Mary Alice Stutts's death; is
2 that correct?

3 A. That's correct.

4 Q. And because you were not a direct witness as to
5 Ms. Mary Alice Stutts' death then you're not telling this
6 jury that you have eye witness testimony with respect to
7 how that death took place; is that correct?

8 A. That's right. I did not see Ms. Stutts murder. I
9 did not see her murder.

10 Q. And because you also did not see her murder you're
11 also not telling this jury that you were an eye witness
12 with respect to what Mr. Damian Inman's participation was
13 in her murder, is that correct?

14 A. That's right.

15 Q. All right. So my understanding is that the
16 information that you testified to in direct examination
17 this would be, for instance, let's start off with Damian
18 Inman's statement?

19 A. Yes, sir.

20 Q. So this statement actually came from Damian Inman?

21 A. Yes, sir.

22 Q. Okay. And I think it's been identified as State's
23 Exhibit -- indulge me for just a second. Okay. It's
24 State's Exhibit 56. So State's Exhibit 56 is the
25 statement that Mr. Inman gave to you; is that correct?

1 A. Yes, sir.

2 Q. Okay. And then, of course, is I know that the
3 Assistant Solicitor Daniel went over this with you, but
4 I'm going over some of these as well, too?

5 A. Okay.

6 Q. And you make sure that we're -- that I'm reading this
7 correctly, but my understanding, at least when this was
8 read in direct examination, is that Mr. Inman testified,
9 at least in this statement, you know, that he and his
10 brother met up with John Henry Bridges?

11 A. Yes, sir.

12 Q. Okay. So at some point in time and then, of course,
13 is that I think he indicates at least in his statement,
14 you correct me if I'm wrong, that he was forced to
15 participate at least in the robbery from a threat from
16 John Henry Bridges?

17 A. He did say that, yes, sir.

18 Q. And is it not true that this statement says that John
19 Henry Bridges at one time threatened to kill him and his
20 brother and his mother, you know, if he did not
21 participate?

22 A. Yes.

23 Q. Okay. But that statement also indicated or he also
24 indicated in that statement is that he was threatened to
25 remain quiet in reference to what has taken place?

1 A. Yes, sir.

2 Q. Okay. And I think that is on Page Two, and I think,
3 you know -- is it also my clear reading or understanding
4 of that statement that he said that John Henry Bridges had
5 threatened to kill him if he exposed the crime that had
6 been committed on that particular day?

7 A. Yes, sir.

8 Q. Okay. All right.

9 MR. BROOKER: Now, if you can indulge me just a
10 second, Your Honor?

11 THE COURT: Yes, sir.

12 MR. BROOKER: I want to make sure that I have any
13 follow up questions for the detective.

14 THE COURT: Take your time.

15 BY MR. BROOKER:

16 Q. Just briefly, Detective Turner, and I don't know so
17 while I've got you on the stand I'm going to ask.

18 A. Yes, sir.

19 Q. And the question I'm going to ask is that with
20 respect to I know that you said that you were one of the
21 lead investigators in connection with this case; is that
22 correct?

23 A. Yes, sir.

24 Q. Okay. And I note that you testified to the fact that
25 you were at the scene at some point in time?

1 A. The original ---

2 Q. Yes. Ms. Stutts' house?

3 A. Yes, sir.

4 Q. And not the -- not actually at Admiral Road but her
5 house?

6 A. Yes, sir.

7 Q. Okay. Were you present with respect to the
8 collection of evidence?

9 A. I was -- I would remain outside the crime scene.
10 Once the Crime Scene Team got there I would not have been
11 inside the barrier. So I would not have first hand
12 knowledge of what the Crime Scene Team collected.

13 Q. All right. Okay. Now, and I'm just going to go over
14 this very briefly.

15 A. Sure.

16 Q. I think that there is some evidence up here. I'll
17 walk around. I don't mind. I'm just going to move this
18 around here so it's more accessible?

19 A. Yes, sir.

20 Q. I have here at least some exhibits that have been
21 entered into evidence, and I have specifically here
22 Exhibit Number 47, State's Exhibit Number 47. And I want
23 you to take a look at that?

24 A. Sure.

25 Q. Of course, State's Exhibit 47, lists a number of

1 items that I believe were collected from -- I think
2 collected at -- some collected at Ms. Stutts' home?

3 A. Yes, sir.

4 Q. Some were collected on other locations?

5 A. Yes, sir.

6 Q. Okay. Have you had a chance to take a look at that?

7 A. You want me to go all the way through?

8 Q. What were the items that were collected?

9 A. What's listed as Item One on State's Exhibit 47 is
10 one folding aluminum chair.

11 Item Two is listed as one dark blue Evenflo Stroller.

12 Item Three is one wooden key rake.

13 Item Number Four is one piece of paper with Booh who
14 in quotes from the key rake.

15 Item Number Five is four keys from the key rack.

16 Item Number Six is one black left, T-E-S-A-R-O,
17 Tesaro lady's shoe size 7 and a half.

18 And then it goes to a gun. Want me to keep going,
19 counselor?

20 Q. Sure.

21 A. Item Number Seven is listed as one Lorson Model
22 LT-25, serial number LT355224 with magazine and seven RP
23 .25 caliber cartridges.

24 Item Number Eight is one partial box of Remington
25 .25 caliber cartridges. You want me to get to the latent?

1 Q. Sure.

2 A. Item 8.1 is a latent impression on Item Eight which
3 would have been the one partial box of Remington .25
4 caliber cartridges. The results identified with Item
5 Number 50, Lorenzo Inman.

6 Item Number Nine, one box of Super-X .22 caliber long
7 rifle plated hollow point cartridges with 99 cartridges.
8 Results: Not value for identification.

9 Item Number Ten, one latent lift card marked inside
10 of the storm door on the inside frame approximately
11 12-inches from the top.

12 Latent impression represented on Item Ten, that was
13 actually 10.1. The results: No conclusion ---

14 Q. You don't have to tell me what the conclusion was.

15 A. Okay. Got you.

16 Q. Just tell me what it was?

17 A. Got you. And I apologize, so you will understand
18 this is the actual item, Item Ten. These, 10.1 and 10.2
19 are sub-items.

20 Q. Okay. And that's fine, and if you want to stop there
21 and I'll get to my point is that -- my point is to ask you
22 about whether or not you were present for the collection
23 of any of the evidence? Now, whether or not you were
24 present for any of the collection of, you know, that chair
25 that was taken into custody? Were you present for the

1 collection of that shoe that was taken? I think that was
2 Ms. Stutts' shoe, I think you testified to?

3 A. Yes.

4 Q. That was out in the yard?

5 A. Yes.

6 Q. I'm assuming, and I don't know, you tell me, was the
7 key chain or the key hook on the inside or that was a key
8 rack that would sit on the table?

9 A. Yes, sir.

10 Q. Were you present for the collection of that or was
11 that collected?

12 A. I was not present for the collection.

13 Q. Okay. Now, did -- were you responsible for, and this
14 may have been done by S.L.E.D, but I need to make sure
15 before I lie this stuff down, did you attempt to lift any
16 prints off of anything?

17 A. I did not. I did not try to lift any latent print
18 off of any item at any scene, anywhere.

19 Q. Okay. And did you submit anything to S.L.E.D. to
20 have analyzed?

21 A. I did not.

22 Q. Okay. That was done by someone else?

23 A. Yes, sir.

24 Q. As part of the investigation?

25 A. Yes, sir.

1 Q. Okay. Okay.

2 MR. BROOKER: Just let me check and see, Your Honor,
3 but I don't believe I have any further questions for this
4 witness.

5 THE COURT: All right.

6 MR. BROOKER: No further questions, Your Honor.

7 THE COURT: Solicitor.

8 MR. DANIEL: Briefly.

9 REDIRECT EXAMINATION

10 BY MR. DANIEL:

11 Q. Sergeant Turner, you were just asked about taking
12 prints and the collection of evidence?

13 A. Yes, sir.

14 Q. Who did all of that in this case?

15 A. S.L.E.D. Crime Scene would have done all of that.
16 The City of Dillon didn't participate in any of the crime
17 scene aspect of this incident.

18 Q. And that's very typical?

19 A. It is.

20 Q. Major crimes you call S.L.E.D. in?

21 A. Yes. They have more resources and more tools than we
22 do.

23 Q. Finally, during your conversation with the defendant
24 he ever mention anything to you about riding around later
25 that night after they killed Ms. Stutts out to the Mill

1 Hill Area?

2 A. That did come up in the conversation?

3 Q. Did he write that in the statement?

4 A. He did not.

5 Q. Did he ever mention anything to you about talking to
6 an Ann Jacobs?

7 A. I can't remember. I can't remember specific names.

8 Q. Did he write that?

9 A. It was not in the statement.

10 Q. Did he mention anything to you about a Jasmine
11 Mearite?

12 A. I can't remember if he -- I can't remember. I can't
13 remember.

14 Q. Did he write that statement?

15 A. But that is not in the statement.

16 MR. DANIEL: No further questions. Thank you.

17 THE COURT: Mr. Brooker.

18 MR. BROOKER: Just very briefly.

19 RECROSS-EXAMINATION

20 BY MR. BROOKER:

21 Q. When you talked with Mr. Inman during part of the
22 statement about how long did the process go?

23 A. Probably about, maybe an hour, hour and a half, two
24 hours tops.

25 Q. So and I assume this conversation that was going on,

1 going on repeatedly during the course of this hour, hour
2 and a half, two hours?

3 A. Yes, sir.

4 Q. And what's been identified as State's Exhibit Number
5 56?

6 A. Yes, sir.

7 Q. Is everything that -- is everything that you verbally
8 talked about during that hour, hour and a half, no more
9 than two hours, is everything contained within this?

10 A. It is not, no, sir.

11 Q. Okay?

12 A. We would talk about a lot of things. Some, and it
13 happens in every interview, but when you talk with someone
14 he may talk about this and this is an example. I'm not
15 saying Damian said this, but they may say, "I like
16 Hardee's versus McDonalds." Or they may talk about a
17 basketball game. So when I say there are other
18 conversational issues when we're talking with people in
19 the interview room and when they get to talking about
20 things off the desired topic we don't stop them because we
21 allow them to talk and say whatever they want to say.

22 So when I say there were other things talked about it
23 could have been anything. It could have been a lot of
24 things we talked about.

25 Q. Was this interview recorded?

1 A. No, sir. No video. Nor no audio. We're not
2 equipped at that time with video or audio.

3 Q. So at the time when he wrote this statement and after
4 talking with him about anywhere from one to two hours is
5 it my understand, you correct me if I'm wrong, that he
6 wrote down what he thought were relevant facts to the
7 case?

8 A. Yes, sir.

9 MR. BROOKER: No further questions.

10 COLLOQUY

11 MR. DANIEL: State would ask that this witness be
12 excused.

13 THE COURT: Step down.

14 MR. BROOKER: No objection, Your Honor.

15 THE COURT: Witness is excused. Unless you've got a
16 very short witness we'll break for lunch.

17 MR. DANIEL: We don't.

18 THE COURT: All right. Ladies and gentlemen of the
19 jury, bear with us. Ms. Hyatt has arranged a lunch for
20 y'all. Give her a second or two. In fact what we will do
21 is I'll ask you to step back to the jury room, and we will
22 tell you about lunch plans here in just a few minutes
23 hopefully. Y'all step back and relax. Take care of that.

24 (WHEREUPON, the jury panel was excused from the
25 courtroom at 12:51 p.m.)

1 THE COURT: Okay. While we are waiting on Ms. Hyatt
2 try to make those arrangements the, counsel, I need your
3 desire about putting the security, bailiff staff, under
4 oath that will go with them to lunch. Y'all waive that or
5 you want me to put them under oath.

6 MR. DANIEL: State waives.

7 MR. BROOKER: We waive, your Honor.

8 THE COURT: Thank you. Y'all want to break until
9 2:15 or 2:30?

10 MR. DANIEL: Whatever the Court wants is fine.

11 MR. BROOKER: Whatever the Court wants, Your Honor.

12 THE COURT: 2:15. Court is in recess until 2:15.
13 They're going to arrange transportation for the jury.

14 MR. REDMOND: Thank you, Your Honor.

15 MR. BROOKER: Thank you, Your Honor.

16 (WHEREUPON, Court was in recess at 12:54 p.m. and
17 reconvenes at 2:31 p.m.)

18 MR. DANIEL: May it please the Court. Now the
19 defendant is in the courtroom. We want to cover one
20 housekeeping matter between Mr. Brooker and the State.
21 Earlier before we started this morning both parties
22 stipulated to several -- to the introduction of several
23 exhibits. The Defense inadvertently agreed to a
24 stipulation that included in Miranda form and the
25 Defendant's statement. We thought that was agreed to.

1 The Defense is saying that they didn't want to stipulate
2 to that up front.

3 But, of course, since then we have, through
4 witnesses, we have laid a proper foundation. And we have
5 properly admitted it at this point. So we would ask
6 officially that the Miranda form and the statement, which
7 I think are numbers -- 55 is the Miranda form and the
8 statement is 56. We would ask that those officially be
9 entered into the record as State's Exhibits.

10 And, again, that's just to cure the issue of the
11 misunderstanding from Defense earlier.

12 THE COURT: Mr. Brooker, anything?

13 MR. BROOKER: Yes, sir, Your Honor. Just very
14 briefly. It was my understanding that I think we
15 discussed that yesterday, and of course, my understanding
16 was is that yesterday when we discussed that exhibit,
17 statement, Exhibit 55, and after it was our opinion that
18 we couldn't consent, you know, to all those.

19 The State v. Denno Hearing, I think you had ruled
20 that it was -- the statements were voluntarily and
21 intelligently given, but the reason we could not consent
22 to that is that we didn't want to be in a position where
23 the Court of Appeals, if that become necessary, thinks we
24 were waiving our objection to the admission of the
25 statement. So it was entered in evidence by inadvertence.

1 And, of course, we just simply instead of making new
2 arguments we simply rely on the previous arguments that we
3 made at the time of the Jackson v. Denno Hearing. Thank
4 you, Your Honor.

5 THE COURT: There again, but they're subject to their
6 objection. It was entered into and allowed in based on
7 the testimony yesterday and I think that protects
8 everybody.

9 MR. DANIEL: Thank you, Your Honor.

10 MR. REDMOND: There is another matter. Well,
11 actually, one is related to the search warrant, State's 58
12 that has not been admitted, but we will be getting to that
13 through Detective Allen Rogers, through his testimony. I
14 just want to I guess make it clear for the record that's
15 not in evidence, but I do obviously intend to lay a
16 foundation towards getting that document admitted.

17 The second issue is a rather pertinent one as it
18 relates to the State's Exhibit 28, and rather than put it
19 up on the screen I'll pass this up to the Court. That is
20 a picture -- well, Your Honor, you will be able to see it,
21 but for the record that is a picture of, and Allen Rogers
22 will testify to that, that's a picture reflecting how Ms.
23 Stutts was found in that little canal area that was in the
24 woods off of Admiral Drive.

25 The Defense did not stipulate to that photo. I think

1 they do have an objection to that photo. So at this time,
2 Your Honor, I'll just let the Court know that the State
3 does intend on getting into that with Detective Rogers and
4 I would address whatever objections the Defense may have.

5 THE COURT: You want to cover that now, Mr. Brooker,
6 or you want to wait until then?

7 MR. BROOKER: If you want to address it right now,
8 Your Honor, so that we don't have to send the jury out.
9 If that's okay with you, but I'll do whatever you want to
10 do.

11 Your Honor, the reason why we're objecting to that,
12 obviously, is that I think the photograph is for
13 identification purposes. State's Exhibit 28 is a
14 photograph I think of Ms. Stutts body at the location
15 where it was found. And, of course, the reason why we
16 object to that is based upon Rule 403 of South Carolina
17 Rules of Evidence. We believe that the initial affect of
18 that particular document outweighs any probative value.
19 And, of course, I think the Court in -- I think in
20 cases -- it's State v. I think Collins, which is a 2012
21 case in which the South Carolina Court of Appeals
22 basically, at least, takes a look at, you know, the issue
23 of whether or not the probative value, you know, of a
24 photograph is outweighed by the prejudicial effect.

25 And in this scenario, you know, I think the Court

1 basically says that that particular case is that, you
2 know, that if the photograph is being used to try to
3 support some issue of law, you know, that the State needs
4 to convince the jury of then, of course, is that there is
5 a very strong probative reason to have it.

6 And I believe it says that, you know, you have to
7 take a look at the need for that particular item versus
8 the affect. And in this particular case is that there is
9 absolutely no need for it, for that particular item
10 because, you know, cause, obviously, there is no dispute
11 with respect to where Ms. Stutts' body was found.

12 I think it's been testified to, I think, by a number
13 of witnesses, at least two or three witnesses, at least
14 two witnesses, I believe that testified earlier this
15 morning, you know, that it was found off of Admiral Road,
16 and it was found no that location. And, of course, that
17 has never been disputed by the Defense, and I think
18 everything in the Defense's opening statement, you know,
19 we admitted, you know, that Ms. Stutts was abducted; that
20 she was driven to an isolated location where she was
21 murdered and her body was disposed of.

22 So any probative value of that is certainly
23 outweighed by the prejudice. And, obviously, the
24 prejudice is going to be that in the normal course of our
25 lives most people, you know, unlike, you know, defense

1 attorneys, most people don't get a chance, you know, of
2 seeing an actual dead body.

3 And sometimes when you actually see it, at least to
4 the lay person, in my opinion, what it does is I think it
5 invokes emotions, and of course, our concern is that the
6 jury will place their decision on these, in whole or in
7 part, you know, based upon some emotion, some sadness
8 because it is a very sad case that is invoked by that
9 particular photograph.

10 But other than that, you know, if they had -- and I
11 think there is somethings need to be proved, you know,
12 that was not already admitted. And if it went to a
13 certain issue that the State had to prove that was not
14 already admitted you know, then, of course, we could
15 understand it, but it does not. The only, I think, affect
16 that photograph would be to, I guess, raise the sympathy,
17 you know, of the jury or invoking sympathy from the jury
18 in this particular case. Thank you, Your Honor.

19 THE COURT: Mr. Redmond.

20 MR. REDMOND: Thank you, Your Honor. I was hoping to
21 get through another trial without having a Bentley Collins
22 case which, of course, is a Dillon County case. As a
23 result of being the one that prosecuted that case I am
24 intimately familiar with it. And, of course, Your Honor
25 being the judge in that case also is intimately familiar

1 with it, Your Honor.

2 With what said, Your Honor, this isn't even remotely
3 close to the Bentley Collins situation. This is -- we
4 only sought to introduce one picture reflecting
5 Ms. Stutts' body. The importance of how far away it is
6 she is far away in that particular picture, and we pick
7 that picture on purpose because there were other pictures
8 that are a lot closer that shows blood and gore; that
9 shows those issues, those images that could be shocking to
10 a jury.

11 One of the things that, and if I may digress just a
12 second, we are a visceral society. We have been made that
13 way, I guess, as a result of time and see on t.v. just
14 this society in general we are a visceral society. Juries
15 want to see things. If we have a piece of evidence that
16 can show them where Admiral Drive is, where the location
17 of Ms. Stutts was found. We've already introduced
18 evidence as it relates to the house, the back of the
19 house, how everything was found as a part of the
20 investigation. Mr. Brooker has even questioned witnesses
21 about the collection of evidence.

22 So with that we say it is relevant because that is
23 going to represent how she was found -- how she was found.
24 I'm not seeking to introduce this in this particular in
25 camera hear, but we will lay the foundation through

1 Detective Rogers and to seek to get that admitted into
2 evidence.

3 But the reason we wanted to raise this issue now is
4 because that way rather than having the jury go in and out
5 what the State is going for at this point is that if the
6 State does lay the proper foundation that the Court would
7 go ahead and allow the, understanding the Defense's
8 objection, would go ahead and allow us to proceed with
9 that particular piece of evidence. That's the only
10 photograph.

11 That is the only photograph that we are seeking to
12 introduce, and it is one that is furthest away and simply
13 reflects how far she was and also goes to the fact that,
14 obviously, there had to be some help as it relates to how
15 far she was carried into the canal, and into that
16 particular canal. And I think there has already been some
17 testimony as it relates to drag marks, things of that
18 like.

19
20 So I think that based on the record it is relevant
21 and I think the State should be entitled to introduce it.

22 THE COURT: Well, this is a far cry from the Collins
23 situation which involved the viciousness of several
24 bulldogs. And we're not going rehash all that, but todays
25 jurors, with what they're exposed to on all these C.S.I's,

1 Criminal Minds, shows that are on, I'm just thankful that
2 the Supreme Court has stepped in on that Collins case
3 because it's a different world out there now knew. And
4 the Court of Appeals had some intense discussions about
5 it.

6 And the bottom line is this is nothing to compare
7 with what happened with those bulldogs and the child. In
8 fact just initial looking at this photograph I would have
9 no idea in the world if there is any -- even a body there.
10 I see something back there in the background. I mean it's
11 just not certainly the degree of what we dealt with in the
12 Collins case. I'll have to disagree, counsel, of that.

13 This right here I think, the prejudicial affect is
14 very minimal. I think the probative value outweighs any
15 problems there so. Anyway, it will come in. When it
16 comes in, if you lay the proper foundation, you will have
17 to cross that bridge when we get there.

18 MR. REDMOND: Yes, sir.

19 THE COURT: Your position's preserved on the record.

20 MR. REDMOND: Thank you, Judge.

21 MR. BROOKER: Thank you, Your Honor.

22 MR. REDMOND: And with that, Your Honor, there is
23 nothing else. The State is ready to proceed.

24 THE COURT: Bring them in.

25 (WHEREUPON, the jury panel enters the courtroom at

1 2:35 p.m.)

2 THE COURT: All right. Solicitor.

3 MR. REDMOND: Thank you, Your Honor. May it please
4 the Court. The State would next call Allen Rogers.

5 THE COURT: Come forward and be sworn, please.

6 ALLEN ROGERS, after being duly sworn, testified
7 as follows:

8 CLERK OF COURT: Be seated in the witness box. State
9 your full name for the Court and spell your last name for
10 us, sir.

11 THE WITNESS: My name is Allen Rogers. R-O-G-E-R-S.

12 DIRECT EXAMINATION

13 BY MR. REDMOND:

14 Q. And in what capacity are you employed?

15 A. I'm a detective with the Dillon County Sheriff's
16 Office.

17 Q. And how long have you been so employed?

18 A. I've been doing this about 25 years now.

19 Q. And how long have you been with the Dillon County
20 Sheriff's Office?

21 A. I transferred to Sheriff's Office about 12 years ago.

22 Q. Excuse me. And let's talk about the 18th of
23 August 2009. Could you tell us at that particular time
24 whether you were dispatched or made aware of an incident
25 involving Mary Alice Stutts?

1 A. Yes, I was. I received a telephone call from my
2 sheriff to go to Mary Alice Stutts' house as she was
3 missing. We were assisting the City of Dillon Police
4 Department. We were helping out any way possible.

5 Q. And did you do that? Did you assist in the
6 investigation?

7 A. Yes, sir. When we got there the house had crime
8 scene tape around it and waited for S.L.E.D. Crime Scene
9 to get there.

10 Q. Now, was that the extent of your role in this case or
11 did you take other steps in regards to the investigation?

12 A. I met with Detective Jason Turner of the City of
13 Dillon who testified earlier, and he gave me everything
14 that was going on up to that point about the missing
15 person.

16 When you're dealing with a missing person it's
17 crucial because time is not on your side. So we started
18 getting out, riding around looking for the vehicle. After
19 ten minutes of riding around I received a call that the
20 vehicle may be at Lockamy's Scrap Yard, so I proceeded to
21 go that way to Lockamy's Scrap Metal to try to intercept
22 it.

23 Q. Okay. Now, did you make it to Lockamy's Scrap Yard?

24 A. Went up in the parking lot and I see the Dillon
25 Police Department about a block from where I was at. So I

1 sped up pretty quickly in case a high speed chase ensued.

2 Q. All right. So let me be clear. What kind of vehicle
3 was this that you were engaging in the chase with?

4 A. It was the victim's vehicle. It was a Toyota Camry.
5 I think a 1999 model.

6 Q. And was it a white Camry?

7 A. Yes, sir, it was.

8 Q. Now, you get involved in the chase. Take us from
9 that point. Once you got involved with the chase take us
10 through what happened next?

11 A. Got behind the vehicle next to the old Kollock Bridge
12 on 301 heading towards Latta. We chased them there for
13 about 3-miles. They made a right turn on Woodle Drive
14 which is a dirt road across the railroad tracks. The
15 vehicle hit the railroad track at a high speed and lost
16 control and the vehicle wrecked.

17 At that time, about the time the vehicle wrecked, two
18 doors opened and two individuals got out and started
19 running through the woods. I ran straight to the vehicle
20 hoping that Ms. Stutts was in the vehicle. So I looked in
21 the front seat, the back seat. I didn't see Ms. Stutts in
22 the vehicle.

23 And I looked around the vehicle. On the trunk there
24 was a smear of blood on the trunk. I was scared she might
25 be in the trunk. So at that time I popped open the trunk

1 and she wasn't in there.

2 Q. Okay. Were the two individuals that were in the car
3 that got out and ran were they apprehend shortly
4 thereafter?

5 A. Yes, they did. The City of Dillon Police Department
6 ran them down and arrested them.

7 Q. And who were those individuals s?

8 A. Lorenzo Inman and John Henry.

9 Q. Bridges.

10 A. Bridges.

11 Q. Okay, now, they're apprehended. You do not find Ms.
12 Stutts at that time. What took place -- what was your
13 role from that point forward? What was your role?

14 A. I went back to the Task Force which is right next to
15 the Sheriff's Office and get up with a detective to see
16 what he wanted to do.

17 At that point John Henry Bridges wanted to show us
18 where the body was located at, and we put him in the
19 vehicle and he rode us around and went on Admiral Drive.
20 It's in Dillon County. It's off of Highway Nine West. A
21 dirt road. No houses. Kind of like a long dirt road.

22 Q. Okay, now, and again, were you in the vehicle with
23 Mr. Bridges?

24 A. Yes, sir. It was me, Detective Turner and S.L.E.D.
25 agent.

1 Q. Okay. And, of course, without getting into anything
2 that he said tell us where he took y'all and exactly what
3 you found once you got there?

4 A. We went about 2-miles down the dirt road on Admiral
5 Drive. It was a secluded area that had trees on both
6 sides and a canal or some people call it a ditch on the
7 right hand side. We got out of the vehicle. Mr. Bridges
8 reenacted what had happened. We went down the canal and
9 he showed me Ms. Stutts' body which was down the canal in
10 a ditch.

11 Q. And at that point -- let me back up as it relates to
12 the car and to this scene now on Admiral Drive, was the
13 scene secured? Both of those scenes secured pursuant to
14 normal law enforcement procedure?

15 A. Let me back up. When we got to the vehicle and got
16 to Ms. Stutts the security vehicle I went and got a search
17 warrant for the vehicle to see if there was any evidence
18 in it. And at that point I had S.L.E.D. Crime Scene come
19 to process the vehicle. And then we got to the house and
20 he showed up what happened. The same thing, secured and
21 had S.L.E.D. Crime Scene come and process the scene.

22 Q. Now, I guess it goes without saying. I'm pretty much
23 asking you an obvious question. At that time was Ms. Mary
24 Alice Stutts deceased?

25 A. Yes, sir, she was.

1 Q. And what were the steps again that y'all took from
2 that point forward?

3 A. In Dillon County when we have a crime scene of this
4 nature we call in S.L.E.D. Crime Scene and come help
5 process the crime scene for evidence, any evidence to be
6 tested.

7 Q. And did that happen in this case?

8 A. Yes, it did.

9 Q. And was Vickie Hallman a part of that team that came?

10 A. Vickie was one of the crime scene agents that came to
11 the scene and helped us process it.

12 Q. Now, was that the end of your role in this
13 investigation or were you involved in other aspects of
14 this investigation?

15 A. Later on we met back up at the Task Force talking
16 about the case at that point. So I thought I had probable
17 cause to get a search warrant for Damian and Lorenzo's
18 house.

19 Q. And let me back up for a second. Without getting
20 into what was said, did you have a chance to be involved
21 in the interview either or both, John Henry Bridges and
22 Lorenzo Inman?

23 A. Yes, sir.

24 Q. Okay. And without getting into what was said, as a
25 result of -- was that a part of the investigation? Was

1 that taken into consideration to procure the search
2 warrant?

3 A. Yes, sir, it was.

4 Q. And once -- excuse me. And I think I interrupted
5 you. So you were at the meeting at the Task Force
6 regarding going to get the search warrant. And pick it up
7 from there?

8 A. At the staff meeting we were going through the
9 evidence that we got, statements and affidavits at the
10 time and went to go to the magistrate to obtain search
11 warrant. And at that process we show the magistrate what
12 evidence or cause we have, and he will decide if we've got
13 enough to get a search warrant to which we did. And I got
14 a search warrant for Lorenzo and Damian Inman's house.

15 Q. And let me be clear on this so it's clear. Whose
16 house did you get that search warrant for?

17 A. Damian and Lorenzo Inman.

18 MR. REDMOND: If the Court would indulge me, if I may
19 approach the witness with what I believe Mr. Brooker has
20 seen this, State's Exhibit 58.

21 BY MR. REDMOND:

22 Q. It's not in evidence at this time that's why we have
23 not published it yet, but with State's Exhibit 58 --
24 excuse me. What does that represent?

25 A. It's a State of South Carolina Search Warrant for

1 Damian and Lorenzo's residence on McArthur Avenue in the
2 City of Dillon.

3 Q. And does that -- is that an accurate copy of the
4 search warrant that you obtained?

5 A. Yes, sir, it is.

6 Q. And on the back sheet is that the copy of the return
7 that was submitted in this case?

8 A. Yes, it is. When we serve a search warrant and we
9 gather evidence at the very end we write down a return of
10 what we received if any evidence is found and leave a copy
11 with the residence and the owner of the house.

12 Q. Okay. Now, excuse me. And so you -- the search
13 warrant was executed?

14 A. Yes, sir.

15 Q. And did you find any items in the residence that --
16 well, let me just ask you like this. Did you find any
17 boxes of ammunition.

18 A. I'm sorry?

19 Q. Did you find any boxes of ammunition during the
20 course of your search?

21 A. Yes, we did. We found in the bedroom closet it was
22 .25 ammunition, Remington .25 automatic ammunition, and
23 one box of Winchester .28 caliber.

24 MR. REDMOND: And if I may approach the witness,
25 Detective Rogers, with what has been marked as State's 40.

1 BY MR. REDMOND:

2 Q. Do you recognize that box of ammunition?

3 A. Yes, sir. It's the one on the search warrant that we
4 got that Night.

5 MR. REDMOND: At this time, Your Honor, as it relates
6 to State's 58 I would move to introduce State's 58 at this
7 time; that would be the search warrant.

8 MR. BROOKER: Your Honor, we have no argument. We,
9 obviously, cannot consent to that.

10 MR. REDMOND: And, Your Honor, for the record Mr.
11 Brooker and I did get together prior to reconvening, and
12 there are a couple o items that have been redacted from
13 the search warrant that are not relevant to the case. And
14 so that has been reflected, and he was actually present
15 when we did redact that. And that's reflected in State's
16 58.

17 THE COURT: Let me make sure there is no objection at
18 this time.

19 MR. BROOKER: Your Honor, we just cannot. We can't
20 consent to it, but we make no arguments against it. So I
21 guess -- so I guess we'll leave it to Your Honor's
22 discretion.

23 THE COURT: Give me a minute or two. I want to
24 double check. Members of the jury, y'all step back to
25 your room just a few minutes, please.

1 (WHEREUPON, the jury panel was excused from the
2 courtroom at 12:49 p.m.)

3 THE COURT: All right. I know in the past that
4 search warrants come in, but I've always been over
5 cautious about this situation with other Court's orders
6 because of State v. Hendrix. You got any case law for me
7 on this. I want to make sure we're right on point.

8 MR. REDMOND: Yes, sir. I don't have any case law,
9 and if I could actually revisit that issue I guess once
10 I've had a chance to actually do some research on that
11 particular point.

12 THE COURT: State v. Hendrix, Federal Administrative
13 Court order that I allowed in. And the Supreme Court
14 said, "No." But I'm thinking the certain warrant is all
15 right, but before be pull the plug on this one, one way or
16 the other, I want to make sure. We don't want to fowl
17 this case up.

18 MR. REDMOND: And let me be clear on another point.
19 With the search warrant itself we did not -- the cover
20 part of it, where the affidavit portion would go, we did
21 not get into that affidavit. We actually withdraw that.
22 It's only the search warrant and the return. We did not
23 include the affidavit because, quite frankly, the
24 affidavit had eluded to statements given by codefendants
25 that would have caused a problem.

1 So that's why, and begin, I just say that for the
2 Court's edification. So we did address that issue,
3 Mr. Brooker and I, prior to reconvening as it relates to
4 being careful about what is actually in that particular
5 search warrant.

6 THE COURT: Okay. I think we're okay. Give me a
7 minute or two.

8 MR. REDMOND: Yes, sir.

9 THE COURT: The Hendrix case affected civil judgments
10 that were allowed in evidence. It was reversed based on
11 the fact to the Supreme Court said that that was hearsay.
12 Can y'all find anything just on the base facts of the
13 courts allowing search warrants in the trial court?

14 MR. REDMOND: Beg the Court's indulgence. Your
15 Honor, may it please the Court. After consulting with all
16 of counsel here, out of an abundance of caution, I think
17 the jury is not present, frankly, we know this is the
18 second trial. And I think if I'm not mistaken Detective
19 Allen Rogers has already testified as to what was found.

20 And so at this point. I mean it would be really --
21 it would be cumulative more than anything else. The key
22 parts we want to get in have gotten in. So at this point
23 I see no need to go further to try to actually introduce
24 the physical document. At this point we would pull
25 Exhibit 58. I believe it is still marked for

1 identification and the State will not seek to introduce it
2 at this time.

3 But, again, out of an abundance of caution, I have
4 not have a chance to fully research it, but again, given
5 the nature of the issue and what has already been put into
6 the record, I don't see any need to take any unnecessary
7 risks. At this point the State would withdraw it's motion
8 to admit State's 58.

9 THE COURT: That's probably the safer route to go.
10 We will continue to work on this cause I'd like to get an
11 answer to this question.

12 MR. REDMOND: Yes, sir. And, quite frankly, it was
13 actually introduced at the previous trial. Once we can
14 find that out I'm actually curious as to that as well.

15 For the purposes of the trial we withdraw our motion
16 to admit State's 58.

17 THE COURT: Seems like something in the back of my
18 mind with a problem about trying to introduce an arrest
19 warrant into actual evidence. All right. Bring tell back
20 in.

21 (WHEREUPON, the jury panel enters the courtroom at
22 3:02 p.m.)

23 THE COURT: All right, Solicitor.

24 MR. REDMOND: Thank you, Your Honor. May it please
25 the Court.

1 BY MR. REDMOND:

2 Q. I'm going to back up a little just to refresh
3 everybody's recollection. I think you still have in your
4 possession State's Exhibit -- I believe that's 40?

5 A. Forty, correct.

6 Q. Yes. And, again, tell the jury what is State's
7 Exhibit Number 40?

8 A. It is a box of bullets, .25 automatic bullets.
9 Remington.

10 Q. And where was that Exhibit 40, the shells, I guess
11 .25 bullets, where were they found?

12 A. We found them in Damian Inman's residence in a
13 bedroom closet.

14 Q. Okay. And did you get a search warrant for that
15 particular residence?

16 A. Yes, sir.

17 Q. And was that found pursuant to the search of that
18 residence?

19 A. Yes, sir.

20 Q. And, again, did Damian Inman, the defendant, reside
21 at that residence?

22 A. Yes, sir.

23 Q. Okay. And I believe -- was the search warrant
24 actually left with his mother, Gladys Inman?

25 A. Yes, sir.

1 Q. Along with the return?

2 A. Yes, sir.

3 Q. And so once these, the items you recovered from the
4 search, who actually was in charge of checking and taking
5 them for further analysis, if necessary?

6 A. S.L.E.D. Crime Scene agents.

7 Q. Okay. And was Vickie Hallman among those agents
8 there at the time?

9 A. Yes, sir, she was.

10 Q. Now, after executing the search warrant, after you
11 interviewed two of the codefendants, did you write any
12 charges against Defendant Damian Inman?

13 A. Yes, I did. During the investigation we found out
14 that the murder actually happened not the county part of
15 Dillon there on Admiral Drive off of Number Nine. So I
16 had to become the lead detective in the county side on the
17 murder charge. So, yes, I did get a warrant on them.

18 Q. If I at this time -- ready for the pictures. You
19 don't have to step down this time. Just look at your
20 monitor. I'm going to go through several pictures with
21 you. Now, you talked about Admiral Drive. Could you tell
22 us what State's Exhibit Number 17 represents?

23 A. That is the Admiral Drive. The dirt road.

24 Q. All right. Now, which direction? Can you tell us is
25 that coming off of Number Nine or going back towards

1 Number Nine?

2 A. If you leaving Dillon on Number Nine west heading
3 towards Bennettsville it's going to be on your right.
4 Dirt road on your right.

5 Q. And State's 18, could you tell us what the picture
6 represents?

7 A. Yes, sir. When we got on the scene this is the drag
8 mark going towards the canal where we found Ms. Stutts'
9 body.

10 Q. State's 25?

11 A. This is Mr. Inman's bedroom closet. This is where
12 we found the bullets and the black bag here.

13 Q. And would you say, 'Mr. Inman' are you referring to
14 the defendant?

15 A. Damian Inman, yes.

16 Q. State's 26?

17 A. It's the same bag. We opened the package. You see
18 two boxes of bullets.

19 Q. State's 27?

20 A. That's the long picture of the .25 automatic
21 Remington bullets.

22 Q. Now, before I get to State's 28 let me ask you some I
23 guess specific questions.

24 MR. REDMOND: At this point, with the Court's
25 permission, I'm going to show you a hard copy of State's

1 Exhibit Number 28, just for identification purposes only.

2 BY MR. REDMOND:

3 Q. I think you testified that you were present at the
4 time Ms. Stutts' body was found?

5 A. Yes, sir. This is a picture of the ditch or canal
6 area leading to Ms. Stutts' body.

7 Q. And is that picture reflective of what you saw at the
8 time John Henry Bridges showed y'all where they had taken
9 Ms. Stutts' body?

10 A. It does.

11 MR. REDMOND: Your Honor, at this time the State
12 would move to introduce Exhibit 28 into evidence.

13 THE COURT: All right. That will be admitted subject
14 to the previous objection.

15 (WHEREUPON, State's Exhibit No. 28 was admitted into
16 evidence.)

17 MR. REDMOND: And at this point, Your Honor, I would
18 publish State's 28 now.

19 BY MR. REDMOND:

20 Q. Okay. Now, in looking at that picture would you
21 describe what again this picture represents.

22 A. This picture leads towards the ditch, canal looking
23 at here. And at the very far distance you can see Ms.
24 Stutts' body.

25 Q. And when you say, 'in the far distance' would that be

1 about in the top one third of the picture?

2 A. Yes, sir.

3 Q. And where I've circled is that reflective of where
4 Ms. Stutts' body was located in relation to the end of the
5 canal?

6 A. Yes, sir.

7 Q. And to ask it better, is that the view of Ms. Stutts
8 that you had when John Henry Bridges took y'all out to
9 that scene?

10 A. Yes, it is.

11 Q. And, Detective Rogers, to be clear again, when you --
12 I guess during the course of your investigation of this
13 particular case was one of the defendants charged or were
14 all three defendants charged?

15 A. All three.

16 Q. Were all three defendants charged with murder?

17 A. Yes, sir.

18 Q. And was that based on your investigation? Based on
19 your investigation did you feel that they were all acting
20 in concert?

21 A. Yes, sir.

22 MR. REDMOND: Beg the Court's indulgence.

23 BY MR. REDMOND:

24 Q. That will be all the questions I have at this time.

25 Please answer any questions that Mr. Brooker may have.

1 THE COURT: Mr. Brooker.

2 CROSS-EXAMINATION

3 BY MR. BROOKER:

4 Q. Okay, Detective Rogers, were you one of the lead
5 investigators or one of the investigators in connection
6 with this case?

7 A. Yes, sir.

8 Q. And I think you testified on direct examination that,
9 and you correct me if my recollection is incorrect, is
10 that you were dispatched to go out to Ms. Stutts'
11 residence?

12 A. Yes, sir.

13 Q. And you did that; is that correct?

14 A. Yes, sir.

15 Q. Okay. And were you a part of the processing of the,
16 you know, any evidence that was collected or anything that
17 was collected at that house?

18 A. No, sir.

19 Q. Okay. Was that done exclusively by S.L.E.D?

20 A. Yes, sir.

21 Q. So were you a part of the collecting anything at the
22 location of Ms. Stutts' body?

23 A. No, sir.

24 Q. That was done exclusively by S.L.E.D.

25 A. Yes, sir.

1 Q. Okay, now, I've been asking this question with every
2 last witness. I'll ask it of you. Is that, Detective
3 Rogers, is that you're not a witness to Ms. Stutts'
4 abduction at her house? Abduction at her house, were you
5 not?

6 A. No, sir, I'm not witness.

7 Q. Okay. And so when you were testifying to the jury
8 you're not testifying to the jury as an eye witness of
9 what happened at Ms. Stutts' house when she was abducted?

10 A. No, sir. I'm testifying where the evidence takes me
11 to.

12 Q. Okay. So you're not testifying as a direct witness?

13 A. No, sir.

14 Q. You were not a direct eyewitness?

15 A. No, sir.

16 Q. And because you were not a direct eye witness of what
17 happened at Ms. Stutts' house you're not trying to tell
18 the jury, you know, as a direct eye witness that you have
19 personal knowledge, direct, personal knowledge with
20 respect to the role -- the role that Mr. Inman, and this
21 is Damian Inman, did or did not play as an eyewitness?

22 A. No direct. I'm just telling the jury what evidence
23 takes me to and what I seen, and that's it.

24 Q. Okay. And because you're not an eyewitness -- were
25 you an eyewitness at the scene of Ms. Stutts' shooting?

1 A. No, sir.

2 Q. Okay. And because you were not an eyewitness at the
3 scene of Ms. Stutts' shooting you're not trying to tell
4 the jury as an eyewitness that you can tell them exactly
5 what Mr. Damian Inman's involvement was at the time of the
6 shooting as an eyewitness?

7 A. Not as an eyewitness, no, sir.

8 Q. All right, sir. And so what you're telling me is
9 that you're testifying, you know, and I think you've
10 already said this so I'll repeat this. You're testifying
11 based upon, you know, on your investigation?

12 A. Is that correct.

13 Q. Okay. All right. Now, I think you testified that
14 you were at Ms. Stutts' house for a short period of time
15 before there was communication that her car was located at
16 a scrap yard?

17 A. I was there for a short time before the radio
18 transmission came out.

19 Q. Okay. And did you went out to try and look for Ms.
20 Stutts's body?

21 A. Yes, sir.

22 Q. Okay. And I think your testimony was is that -- is
23 that at some point in time that car was located, and you
24 were a part of the chase of that vehicle?

25 A. Yes, sir.

1 Q. Okay. And that vehicle -- when that vehicle came to
2 rest I think you said two people jumped out?

3 A. Yes, sir.

4 Q. And the two people who were apprehended as a result
5 of that high speed chase was John Henry Bridges; is that
6 correct?

7 A. Yes, sir.

8 Q. And the other one was Lorenzo Inman; is that correct?

9 A. Yes, sir.

10 Q. Just so the jury doesn't get confused is that Lorenzo
11 Inman and Damian Inman are not the same person?

12 A. No, sir, they're not.

13 Q. If you could please speak up just so the court
14 reporter can hear you. So I'll repeat that just in case
15 she didn't hear it. Damian Inman and Lorenzo Inman are
16 not the same person?

17 A. No, sir.

18 Q. Okay. They are actually brothers; is that correct?

19 A. Correct.

20 Q. Okay. Now, so you apprehended Lorenzo Inman and John
21 Bridges -- John Bridges, I think John Henry Bridges, as a
22 result of this high speed chase?

23 A. Yes, sir.

24 Q. Okay. And those were the two guys that were in
25 Ms. Stutts' car?

1 A. Yes, sir.

2 Q. Okay. And can you tell me whether or not you know
3 this, but as a result of that high speed chase I think you
4 testified that they jumped out of the car, John Henry
5 Bridges and Lorenzo Inman, and they ran?

6 A. Correct.

7 Q. And, of course, they were chased down by law
8 enforcement; is that correct?

9 A. Yes, sir.

10 Q. And as a result of chasing those two individuals down
11 there was a gun -- was there a gun found near where they
12 were chased down at?

13 A. I cannot testify to that because I'm not the one that
14 arrested them.

15 Q. Okay. And like I said, and I don't know what you
16 know. That's why I'm asking. Do you know whether or not
17 the gun was found near where they were chasing at?

18 A. Yes, sir.

19 Q. And was that gun collected? I know it wasn't --
20 well, let me ask you this. Was the gun collected by you?

21 A. No, sir.

22 Q. Okay. Was it collected by someone?

23 A. Yes, sir.

24 Q. Okay. And do you know whether or not that is the gun
25 that -- whether or not that is the gun that is here today?

1 A. I cannot testify. I didn't see the gun at the scene.

2 Q. Okay. Okay. And that's what I want to know. I'm
3 asking because I don't know. Okay. Now, you also
4 testified that you obtained a search warrant for the
5 house, and I think you described it as Damian Inman's
6 house. And I want to make clear is that that is Damian
7 Inman's and also Lorenzo Inman's house?

8 A. Yes, sir.

9 Q. Okay. Lorenzo Inman lived at that house?

10 A. Yes, sir.

11 Q. Okay. Now, and I think I'm --

12 MR. BROOKER: If you could indulge me a second Your
13 Honor?

14 THE COURT: Yes, sir.

15 MR. BROOKER: Let me take a look at the exhibits.

16 BY MR. BROOKER:

17 Q. Now, I'm looking at what's been identified as State's
18 Exhibit 25. As a result of that search warrant is that
19 the black bag that was recovered at the house?

20 A. Yes, sir.

21 Q. Okay. Of course, that's State's Exhibit 25. And I'm
22 assuming that State's Exhibit 26 is of the same thing? Is
23 that that bag that was recovered at the house?

24 A. Yes, sir.

25 Q. And, of course, State's Exhibit Is 27 is a picture.

1 Looks like the box -- a box of bullets at least?

2 A. Yes, sir.

3 Q. All right. Now, and I don't see anything else in
4 evidence, but was anything else recovered from the bag?

5 A. Out of the bag?

6 Q. Out of the bag. Did you take the entire bag into
7 evidence?

8 A. On the return search warrant -- you want me to get in
9 talking. I don't know what I can say about that.

10 Q. Well, I'm just -- well, let me ask you that question.
11 Did you take the entire bag into evidence?

12 A. S.L.E.D. obtained the evidence.

13 Q. S.L.E.D. obtained the evidence. Okay.

14 A. Yes, sir.

15 Q. Okay. All right. Now?

16 MR. BROOKER: If you could indulge me just a second,
17 your Honor? I may be about finished with this particular
18 witness?

19 THE COURT: Yes, sir.

20 BY MR. BROOKER:

21 Q. Now, you said that -- well let me ask you this, and
22 you may not know the answer. I'm going to ask it to you
23 because I don't know what you know. okay. Did you make a
24 request to have any of the contents that was -- tat was
25 taken out of that bag, did you make a request for S.L.E.D.

1 to analyze any of that?

2 A. That was part of the process I would think. I don't
3 remember if I made a request, but normally when we work
4 crime scenes we do.

5 Q. And do you have any knowledge, any analysis as to
6 whether or any -- whether any analysis was done on
7 anything that was found?

8 A. I don't know.

9 Q. Okay. Now, I'll ask you this question is that were
10 any fingerprints ever taken from Damian Inman at any point
11 in time?

12 A. That would be up to the S.L.E.D. Crime Scene process.

13 Q. Okay. So you don't know whether -- you don't know
14 whether or not there is a part of the investigation at
15 some point in time Damian Inman provided fingerprints?

16 A. I would believe so.

17 Q. Okay. Do you know whether or not part of the
18 investigatory process or part of the judicial process
19 whether or not Damian Inman provided, you know, any sample
20 for D.N.A. analysis?

21 A. I'm not for sure.

22 MR. BROOKER: If you can indulge me just one second,
23 Your Honor. Let me make sure that I don't have any
24 further questions.

25 THE COURT: Sure.

1 MR. BROOKER: No further questions.

2 THE COURT: Solicitor?

3 MR. REDMOND: Beg the Court's indulgence. Beg the
4 Court's indulgence.

5 REDIRECT EXAMINATION

6 BY MR. REDMOND:

7 Q. I just want to make sure it is clear for the record.
8 State's Exhibit Number 40, I believe it is, which is the
9 bullets.

10 MR. REDMOND: If I have not previously moved it enter
11 them into evidence I would move it into evidence at this
12 time. I just want to take sure the record was clear on
13 State's 40; that being the box of ammunition that
14 Detective Rogers just discussed from the witness stand.

15 THE COURT: Any objection?

16 MR. BROOKER: If you can indulge me just a second.
17 No objection, Your Honor.

18 THE COURT: In without objection.

19 (WHEREUPON, State's Exhibit No. 40 was admitted into
20 evidence.)

21 MR. REDMOND: Thank you, Your Honor. And with that
22 Your Honor, no redirect for Detective Rogers.

23 MR. BROOKER: No recross. Your Honor.

24 THE COURT: You may step down. Thank you.

25 MR. REDMOND: The next witness is Vickie Hallman, and

1 she might be a little lengthy, crime scene, but we're
2 prepared to go forward. We didn't know if the Court
3 wanted to take a quick, little break now or we can go
4 straight into it.

5 THE COURT: Any jurors need a brief recess? If so
6 raise you right hand.

7 MR. REDMOND: State calls Agent Vickie Hallman.

8 VICKIE HALLMAN, after being duly sworn,
9 testified as follows:

10 CLERK OF COURT: Have a seat in the witness box.
11 State your full name spelling your last.

12 THE WITNESS: Vickie Hallman, H-A-L-L-M-A-N.

13 DIRECT EXAMINATION

14 BY MR. REDMOND:

15 Q. Agent Hallman, I think I've given it away, but by
16 whom are you employed?

17 A. I'm employed by the South Carolina Law Enforcement
18 Division, which is also know as S.L.E.D.

19 Q. And let me get some background information from you
20 before we qualify you as an expert. Could you give us
21 your educational and experience background in law
22 enforcement?

23 A. I actually have an undergraduate degree in history
24 from the University of South Carolina. I have a Master's
25 of Criminal Justice from the University of South Carolina.

1 I've been in law enforcement since 1991. I started my
2 career as a Lexington County Sheriff's Office. I spent
3 nine years there on the road.

4 Working in uniform, responding to calls for service.
5 I then spent four years in their Crime Scene Unit and
6 in -- at the beginning of April of 2004 I began working in
7 the Latent Print Crime Scene Unit at S.L.E.D.

8 Q. And I guess your training. Let's talk about your
9 training as it relates to latent prints because that's
10 going to be a part of what you testify to. Could you give
11 the jury your background in that regard?

12 A. Actually, when you come to S.L.E.D. at that time in
13 the Crime Scene Unit you're cross trained to process crime
14 scenes. You're trained to process items for latent
15 fingerprints. You're taught to actually do the
16 comparisons on the unknown and known standards of
17 fingerprints. You're taught to do footwear, tire tread
18 analysis, and blood stain pattern analysis.

19 I spent approximately two years doing an internal
20 training at S.L.E.D. with other Court qualified examiners
21 in the department. I've completed numerous 40 hour
22 courses, and each one of these disciplines to include
23 being qualified as an expert in Court.

24 Q. And how many times, guesstimation, how many times
25 have you been qualified as an expert, specifically in the

1 field of latent print analysis?

2 A. Probably eight to ten times.

3 Q. At this time we would move Agent Hallman to qualify
4 her as an expert in the field of latent print analysis?

5 THE COURT: Any objection.

6 MR. BROOKER: No objection, Your Honor.

7 THE COURT: So qualified.

8 MR. REDMOND: Thank you, Your Honor. If it pleases
9 the Court.

10 BY MR. REDMOND:

11 Q. Now, were you involved and actually dispatched to
12 Dillon County on the 18th of August 2009?

13 A. Yes, sir.

14 Q. And would you tell the ladies and gentlemen of the
15 jury I guess what lead to you being here, and then we'll
16 get into what you did when you got here.

17 A. At the time the S.L.E.D. Crime Scene Unit was divided
18 up and we worked different parts of the State. I was
19 actually assigned to what's known as the Pee Dee Region
20 which includes Dillon County.

21 I was notified approximately 8:30, 8:45 in the
22 morning by the captain of that region, who is Tim
23 McKenzie, that Dillon Police Department request -- was
24 requesting S.L.E.D. Crime Scene assistance for an
25 individual who was missing from the City limits or the

1 Town of Dillon.

2 Q. Okay. So at that time you were dispatched was this a
3 missing persons case and not a homicide case?

4 A. At that point, yes, sir, it was just a missing
5 persons case.

6 Q. And could you tell us what happened once you got to
7 Dillon?

8 A. Actually, we actually work in pairs. So Rhonda
9 Fields, who was also in the Crime Scene Unit at that time
10 responded and met me at Ms. Stutts' residence on -- I
11 think it's West Calhoun Extension. We were briefed by the
12 Dillon Police Department personnel that was on the scene
13 as to what they had observed.

14 We went in. We walked through the residence and
15 around the house. It was documented with photographs
16 prior to any other type of processing being completed, and
17 at that point we began, after the photography, we began
18 looking at the house and looking for items of evidence.

19 Q. Okay. And could you tell us, based on your
20 observations, the best that you can recall, from the
21 house, Ms. Stutts' house, at that time?

22 A. We were told that her -- I believe it's her son in
23 law came over that morning to see her and had been unable
24 to locate her. We were told that her car was missing.
25 When we went in the residence it was actually very neat

1 and tidy. The family advised that there did not seem to
2 be anything that was out of place.

3 The one thing that we did notice is that that was a
4 wooden key rack which apparently, normally hung somewhere
5 in the kitchen and that was actually lying on the kitchen
6 table. We documented that with photographs. I actually
7 collected that for processing. But, otherwise, there was
8 nothing substantial that appeared to be out of place in
9 the residence.

10 Q. Okay. Now, as you were going through the residence
11 at some point were -- let me ask you like this. Was that
12 the only scene you worked that day?

13 A. No, sir.

14 Q. All right. Tell us what led you to your next scene
15 to process?

16 A. We actually did do some processing outside of that
17 residence. We were advised that there were a few items,
18 such as a folding chair and a stroller, that was normally
19 kept in the trunk of Ms. Stutts' vehicle that was in the
20 backyard along with a black lady's slip on shoe that was
21 just out of place.

22 So all of that was processed and documented. A lot
23 of that I took back to the laboratory to be processed.
24 While we were in the process of doing those things at the
25 house we were advised that the Dillon Police Department

1 personnel had located Ms. Stutts' vehicle. We were aware
2 that they were pursuing a vehicle.

3 And once that pursuit ended myself and Ms. Fields or
4 Agent Fields also responded to the vehicle that was
5 located on the railroad tracks on Woodle Drive.

6 Q. Okay. Now, so you started out at Ms. Stutts
7 residence. Did some processing there. About to leave to
8 go where the car was located. Could you tell us about
9 your observations and any evidence you may have collected
10 at that scene?

11 A. The main thing we did was we went and photographed
12 the vehicle so we knew what the vehicle looked like when
13 it had been basically taken back into law enforcement
14 custody. We did open the trunk of the vehicle. There
15 were several areas up on the trunk lip on the inside of
16 the trunk closed that appeared to have blood on them.

17 There was also a black baseball cap that may have
18 been worn by one of the individuals taken out of the
19 vehicle that we took custody of.

20 Q. Okay. Now, and we'll get into photos and what not
21 later on, but was the car left out there or was there
22 further processing done or was the car moved to another
23 location?

24 A. The car was secured and towed by law enforcement and
25 then secured at the Dillon Fire Department until we could

1 come back and process that a little bit later in the day
2 after a search warrant had been secured.

3 Q. And so once the car is being transported to the fire
4 department until a search warrant was obtained for the car
5 what did you do? Did you return back to the house?

6 A. Yes.

7 Q. Okay?

8 A. We had taken all of our photographs, and we had
9 secured some of the evidence, but I actually dusted the
10 doors around where we thought Ms. Stutts may have gone in
11 and out or somebody else may have gone in and out. Those
12 were actually processed with latent print powder or
13 fingerprint powder, and that was done at that point in
14 time.

15 Q. Now, did you remain at Ms. Stutts' house or were
16 dispatched to yet another scene?

17 A. I received a call from -- at that time it was my
18 lieutenant, Roxanne Bethea with S.L.E.D. who was also
19 assisting that. There was that -- one of the individuals
20 who was in custody was actually about to take law
21 enforcement to Ms. Stutts' body, and that we needed to be
22 prepared when she called to respond to that location which
23 we did.

24 Q. And tell us about your work once you got to the
25 location on Admiral Drive?

1 A. The main thing that we would do there would also be
2 to take extensive photographs. We measure some of the
3 distances. We measure the drag marks. We actually went
4 in and photographed her body and any injuries that we saw
5 to her body.

6 Because that autopsy was going to be performed the
7 next day we actually bagged the victim's hands or we
8 basically put paper bags over the hands and taped those
9 bags on because it can help the pathologist in the
10 examination of the body to determine whether or not there
11 was some type of struggle because she may have some type
12 of evidence underneath her fingernails. That was
13 completed.

14 There were some newspapers that appear to have blood
15 on them. Those were collected, and we actually used a
16 metal detector in order to try to locate any cartridge
17 cases that may be at that scene.

18 Q. Okay. And were you able to find any cartridge
19 casings?

20 A. No, sir. It appeared that the road had been scraped
21 probably within the time that the body had been deposited
22 until the time that the body was discovered.

23 Q. Now, and I think you've already said, but did you
24 take pictures to document the scene of each of those
25 things that you discussed?

1 A. Yes, sir.

2 Q. Okay. Now, did you remain at that scene or did you
3 go to yet another scene to finish your work?

4 A. Once Ms. Stutts' body was removed we left that scene
5 and then we responded to the Dillon County Fire Department
6 where her vehicle was located to execute the search
7 warrant on that vehicle.

8 Q. Okay. And did you execute the search warrant?

9 A. Yes.

10 Q. And did you process that vehicle?

11 A. Yes, sir, it was processed for D.N.A. and for latent
12 fingerprints.

13 Q. Now, is that the last thing that you went to in
14 Dillon or were you dispatched yet to another location?

15 Let me ask you this. Were did dispatched away from the
16 Fire Department to return to a particular location?

17 A. Yes, sir. At the time and, I'm not sure how the
18 information came about, but officers were back on the
19 scene on Woodle Drive where the suspects had been taken.
20 The two suspects had been taken into custody, and I was
21 notified that a weapon or a gun had been located and I was
22 requested to come back in to secure that item.

23 Q. And did you in fact collect that item?

24 A. Yes, sir, I did.

25 Q. Did you photograph it?

1 A. Yes, sir.

2 Q. And if I may approach the witness with what is
3 already in evidence as State's Exhibit 36, A through C.
4 I'm going to show you -- if you could take a second and
5 look over those exhibits and let me know when you're ready
6 to answer a couple of questions. Do you recognize State's
7 Exhibits 36A through C?

8 A. Yes, sir, I do.

9 Q. And could you tell the jury what those items are?

10 A. Specifically, 36A is -- count them -- seven bullets
11 or unfired. They're basically the whole component. I
12 believe they're .25 caliber.

13 36B is actually the Lorson handgun that I picked up
14 from the wood line on Woodle Drive.

15 And then 36C would be the magazine that was inserted
16 into the bottom of the gun that would contain 37A.

17 Q. And did you collect those items?

18 A. Yes, sir, I did.

19 Q. And when you arrived had the scene been secured until
20 you were able to actually collect those items yourself?

21 A. Yes, sir.

22 Q. Now, after you collected the gun and any other
23 evidence that you collected up to this point, was that the
24 end of your role in this particular case?

25 A. No, sir.

1 Q. Okay. And I forgot to ask you. You may have said it
2 already, but about what time was it that you arrived in
3 Dillon on that day?

4 A. I got the call at approximately 8:45, and I believe I
5 was in the Columbia, say, it would have been probably
6 10:00 or 10:30 before I actually arrived in Dillon.

7 Q. Just to be clear, we are talking about the morning of
8 the 18th?

9 A. Yes.

10 Q. Now, back to what I had asked you. Just wanted to
11 make sure we were clear on the time there. Back to the
12 question that I had asked you concerning your role in
13 Dillon, were you done in Dillon at that point or was there
14 further work to be done?

15 A. There was actually a few other things that we did. I
16 actually went back to the fire department after picking up
17 the gun on Woodle to assist Agent Fields in the completion
18 of the search warrant on the vehicle. She was to attend
19 Ms. Stutts' autopsy the next morning, so she left because
20 by that time I think it was 8:00 or nine o'clock at night.
21 I responded to the Task Force Office to meet with the
22 other officers that were involved.

23 And I was actually involved in a search warrant at
24 the Inman residence a little bit later that evening.

25 Q. Okay. And let's get into that as far as the search

1 warrant. Did you -- was the search warrant obtained for
2 the house, I believe that's in the 1200 block of McArthur
3 Avenue here in Dillon?

4 A. Yes.

5 Q. Okay. And is that the residence of the defendants as
6 you were made aware of?

7 A. Yes, it was.

8 Q. And at that particular time could you tell the ladies
9 and gentlemen of the jury what your observations were and
10 what evidence you collected?

11 A. It's a single story residence. I don't know what to
12 say. It was fairly well kept. There was certain specific
13 items we were looking for on the search warrant. Some of
14 the other officers actually did the searching. I was
15 there for photography purposes. I was actually in the
16 room when the backpack was located in one of the bedroom
17 closets.

18 Within that backpack was a black balled up tee shirt,
19 a box of .22 caliber ammunition, a box of .25 caliber
20 ammunition and some other miscellaneous items.

21 Q. Now, let me approach you with that, with State's 39,
22 and I think you actually have State's 40 there. Could you
23 take a look at those two items. You referred to
24 ammunition being found. Do you recognize those two
25 exhibits?

1 A. Yes, I do.

2 Q. Okay. And specifically as to State's 39, which I
3 don't believe is in evidence yet, let me ask you this.
4 What is State's Exhibit Number 39?

5 A. State's Exhibit 39 would be some ammunition that was
6 actually located in the residence.

7 Q. And is that based on your review of that particular
8 packet? Is that the evidence that you collected on the
9 18th of August 2009 at the residence of the defendant?

10 A. Yes, it is.

11 Q. Okay.

12 MR. REDMOND: Your Honor, at this time the State
13 would move to introduce Exhibit 39 into evidence?

14 MR. BROOKER: Without objection, Your Honor.

15 THE COURT: In without objection.

16 (WHEREUPON, State's Exhibit No. 39 was admitted into
17 evidence.)

18 BY MR. REDMOND:

19 Q. And State's 40, could you tell us again what is
20 State's 40.

21 A. State's 40 is actually is outer box of the Remington
22 .25 automatic cartridges.

23 Q. An just by way of reflection, I guess recollection,
24 Exhibit 36, what was State's Exhibit 36? I believe that
25 was either B or C. The gun?

1 A. The gun is actually 36B, and it is actually a Lorson.
2 LT-25 is the model, and it is a .25 caliber handgun.

3 Q. Okay. And the bullets that you had actually held up.
4 I believe that's C. What caliber bullets are they?

5 A. They're also .25 caliber.

6 Q. Thank you. And just to be clear Exhibit 40 was the
7 box of ammunition that was found at the defendant's
8 residence pursuant to the search warrant?

9 A. That's correct.

10 Q. And were they .25 caliber? Is that a .25 caliber
11 box?

12 A. Yes, it is a .25 caliber box.

13 Q. Okay, now, let's move on to -- well, let me tell --
14 you were there for the search. You took photographs.
15 Once you finished the search of the residence of the
16 defendant tell us what took place from that point?

17 A. If I remember correctly we had one other search
18 warrant for some clothing of one of the defendants at the
19 Detention Center. I actually stopped by along with
20 another S.L.E.D. agent and Detective Rogers and picked
21 those items up and then I left Dillon for the evening.

22 Q. Now, and when you left Dillon did you have the items
23 you collected with you?

24 A. Yes, sir.

25 Q. The items we discussed?

1 A. Yes, sir, they were secure in my vehicle.

2 Q. And tell us the protocol as it relates to your return
3 to Columbia and what process I guess takes place with the
4 evidence you collected?

5 A. There is actually a secure area in the S.L.E.D.
6 Laboratory that only people who are assigned to the Crime
7 Scene Unit have access to. The evidence that I took back
8 that night was secured in that location. And we actually
9 have little labels, little sheets of paper, that we put on
10 our evidence that says, 'do not touch evidence' which it
11 tells other agents that it's things that they don't need
12 to be plundering through or handling.

13 The items were secured in that location until I could
14 process them for latent fingerprints or D.N.A, whichever
15 was needed.

16 Q. Okay. And did you do any processing of the evidence
17 that you took?

18 A. Yes, sir, I did.

19 Q. And let's talk about that just in general. When we
20 talk about the testing could you give us a rudimentary
21 idea of what that entails when you do that testing for
22 latent prints?

23 A. Usually, if the item is small enough we have a
24 technique that's called -- it's a fancy word for super
25 glue. It's actually what we call cyanoacrylate. That

1 process -- fingerprints are mainly made up of moisture, so
2 they're very fragile, and a lot of times just the
3 application of the powder can move the ridges or destroy
4 some of the latents.

5 So if we have the opportunity and the means we
6 actually fume those items with super glue. The super glue
7 adheres to the moisture in the fingerprint and basically
8 makes it a solid item instead of something that's fragile.
9 And then we apply fingerprint powder to that, and it
10 adheres to the ridges and we are able to lift or even
11 photograph those latents if they're present.

12 Q. Now, I'm going to ask you what might be considered a
13 crazy question. I'm putting my hand down right here.
14 Does that automatically mean that I'm going to leave a
15 print right here where I placed my hand?

16 A. No, sir it does not.

17 Q. Why? Would you explain that to the ladies and
18 gentlemen of the jury?

19 A. There are a lot of things to take into consideration
20 when looking at items of evidence for fingerprints. There
21 are certain items that are more receptive to receiving
22 fingerprints. A vehicle is a flat surface and kind of
23 shiny and smooth just like glass. Those are fairly good
24 items to actually take a fingerprint.

25 Whereas the wood that you just demonstrated with even

1 though it has a finish on it there is a texture made into
2 the wood. That's one thing that we look at is what type
3 of surface we're actually trying to take a fingerprint
4 from. The other thing is how much pressure did you put on
5 the item that you're touching or you're holding. If the
6 pressure is too light then, if there is a fingerprint
7 left, it may be faint and it may not last.

8 If you use too much pressure then it's going to push
9 the ridges in the finger together and it's basically going
10 to cause a smudged print. The same thing would happen if
11 you grab something and you're fingers moved across it
12 instead of staying in a stationary position.

13 It's going to leave fingerprints that we may find,
14 but there may not be enough characteristics in the
15 fingerprint to make a positive identification.

16 Q. Now, and I'll ask you before we get into your report.
17 I'll ask you, were there I guess prints or were there
18 prints that you attempted to identify that matched some of
19 the characteristics that you described as not -- that are
20 being able to make an identification?

21 A. Yes, sir, there were.

22 Q. Okay. In other words, a smudged print, would that
23 cause a problem in lifting a print if I just rubbed my
24 hand across this rail like that?

25 A. We could actually lift it, but there would not be

1 ridges in the fingerprint and fingerprints are basically
2 identified due to the different types of characteristics.

3 There are some things called ending ridges and
4 bifurcations and certain other kinds of technical terms.
5 Everybody's fingerprints are unique. No two fingerprints
6 in the history of what's been taken have ever been
7 identical including identical twins. They actually do
8 have different fingerprints.

9 There is not going to be enough ridge characteristics
10 left in the demonstration that you just did in order for
11 us to make a comparison. So we would call it a no value
12 fingerprint.

13 Q. Okay. And, now, and before we get into the no value
14 print, in your report which is already been introduced.
15 Beg the Court's indulgence. I believe it's State's 47.
16 Let me just show this to you. It's already in evidence, I
17 believe, but just to make sure is that a copy -- an
18 accurate, true copy of your report?

19 A. Yes, sir, it is.

20 Q. And I believe there were some questions earlier
21 regarding whether or not you had access to fingerprint
22 cards of several parties including the defendant to be
23 able to make an analysis. Did you have the defendant's
24 fingerprint card to be able to make an analysis?

25 A. Yes, sir, we had numerous fingerprint cards. We

1 actually ven got fingerprints from the victim's daughter
2 and her husband because they had been in the residence
3 along with Mr. Damian Inman or Mr. Lorenzo Inman and Mr.
4 John Henry Bridges.

5 Q. Now, were, and I'll just ask ---

6 MR. BROOKER: Your Honor, please the Court. I'm
7 going to object to that testimony. There hasn't been any
8 testimony in the record at least at this particular time
9 that these individuals were on the inside of the
10 residence.

11 THE COURT: Well, I'm going to overrule the
12 objection, and if it does develop you are free to renew
13 that and I'll make sure to ---

14 MR. BROOKER: Thank you, Your Honor. Sure.

15 THE COURT: --- at that time.

16 BY MR. REDMOND:

17 Q. Let me ask you this as it relates to Damian Inman.
18 Did you have a chance to do a comparison on Damian Inman's
19 prints?

20 A. Yes, sir.

21 Q. And did you find any prints belonging to Damian
22 Inman?

23 A. No, sir.

24 Q. And does that automatically mean that Damian Inman
25 was nowhere near any of these places where this crime

1 occurred?

2 A. No, sir, it doesn't.

3 Q. Okay. And would that be for the reasons that you
4 described earlier as it relates to leaving prints?

5 A. Yes, sir.

6 Q. Okay. Now --

7 MR. REDMOND: And I'm going to ask Your Honor, if I
8 may, we are -- I'm almost finished as it relates to
9 showing some photograph, and also -- well, first I want to
10 get into the report. Then I'm going to show some
11 photographs. I just wanted to make sure that nobody
12 needed a break.

13 THE COURT: We do. We do. This will be a good
14 point.

15 MR. REDMOND: Yes, sir.

16 THE COURT: All right. We'll stand in recess for
17 about ten minutes. Give the jury a restroom break.

18 (WHEREUPON, the jury panel was excused from the
19 courtroom at 3:50 p.m.)

20 (WHEREUPON, Court was in recess at 3:50 p.m.)

21 (WHEREUPON, Defendant's Exhibit Nos. 1 AND 2 were
22 marked for identification only.)

23 (WHEREUPON, Court reconvenes at 4:09 p.m.)

24 THE COURT: Ready?

25 MR. REDMOND: State's ready to proceed.

1 (WHEREUPON, the jury panel enters the courtroom at
2 4:10 p.m.)

3 THE COURT: All right. Solicitor.

4 MR. REDMOND: May it please the Court, Your Honor.

5 Before I show you the report, your report, there is one
6 question I wanted to ask, and that is, and I don't know if
7 you got into it or, not, whether or not the weather,
8 whether or not that has any affect on fingerprints or the
9 possibility of leaving prints?

10 A. It does. Since fingerprints are made up of moisture,
11 of course, rain makes it difficult to process for
12 fingerprints without special types of chemicals because
13 the fingerprint itself is made out of moisture. And
14 usually summertime people sweat a lot so you're going --
15 there are going to be differences in -- actually the
16 individual personal themselves sometimes will depend on --
17 their makeup will help. Some people don't leave
18 fingerprints as well as other people do.

19 Q. Now, if I can direct your attention to I guess what
20 your report. I forget the exhibit number of your report?

21 A. Forty-seven.

22 Q. Okay. Now, are you able to see it on your screen?

23 A. Yes.

24 Q. All right. State's Exhibit 47, is this a copy of
25 your crime scene report that's already in evidence?

1 A. It's actually the latent print portion of a crime
2 scene report, yes, sir.

3 Q. Okay. And when we talk about the -- on the first
4 page, Items One and Two, being the folding chair, the
5 stroller, the results indicate no value for
6 identification. Could you explain to the ladies and
7 gentlemen of the jury what that phrase means?

8 A. Basically, it means that there were no latents found
9 on those two items that were of any quality to do any type
10 of comparison.

11 Q. Now, please flip to the next one. I have to do it.
12 Looking at the second page of the report, and I think all
13 of the items, Three through Eight -- well, Three through
14 Seven indicate no value for identification; is that
15 correct?

16 A. Yes, sir.

17 Q. All right. Now, Item Eight, latents on the box of
18 .45 caliber cartridges. Were you able to get any results
19 from that?

20 A. Yes, sir.

21 Q. And what did your results rule?

22 A. Basically, inside the box itself there is a tray that
23 holds the cartridges that are entirely set -- they sit in
24 the little tray so the box is kind of leveled out. There
25 was a latent impression on the side inside that black tray

1 that was of quality, and I was actually able to identify
2 it with Lorenzo Inman.

3 Q. Let me show you what's been marked as State's 54.
4 Show you what's been marked as State's 54. You indicated
5 a tray. Is that the tray that you were referring to?

6 A. Yes, sir, it is.

7 MR. REDMOND: We move State's 54 in evidence at this
8 time.

9 MR. BROOKER: Without objection, Your Honor.

10 THE COURT: Thank you. In without objection.

11 (WHEREUPON, State's Exhibit No. 54 was admitted into
12 evidence.)

13 MR. REDMOND: Thank you.

14 BY MR. REDMOND:

15 Q. Now, and again that was in Exhibit 40, and those
16 Items 54 and 40, were those items found pursuant to the
17 search warrant of the defendant's residence?

18 A. Yes, sir.

19 Q. Okay. Now, next page. Now, you got Item Nine. No
20 value. Now, 10.1 where it says, 'no conclusion' what does
21 that mean when it says no conclusion as it relates to
22 Items 10.1 and 10.2?

23 A. We were able to obtain fingerprints from Ms. Mary
24 Alice Stutts at autopsy. As you get older your skin
25 becomes more fragile. Also you tend not to have as good a

1 fingerprint as you did when you were younger because of
2 the way your skin actually kind of deteriorates or thins.

3 We also see it when it comes to fingerprints of
4 people like brick masons who work a lot with their hands,
5 they then to disrupt the ridge flow and they don't leave
6 as good a fingerprints, and they don't -- when we go to
7 collect the known standards their prints aren't as nice
8 and crisp, per se, maybe as someone who is younger or who
9 doesn't work with their hands.

10 And in Ms. Stutts' case her fingerprints were not of
11 the best quality. I could not -- I couldn't positively
12 identify anything with her, but I also could not
13 necessarily exclude her for depositing those prints. So,
14 basically, because my known standards of her were not of
15 sufficient quality we use a no conclusion which basically
16 says that I was not able to render an opinion as to
17 whether or not those were her prints specifically in that
18 instance.

19 Q. And is that different than the no value which we had
20 discussed earlier? Is that different -- is that different
21 than the no value?

22 A. It is because it basically meant -- means that even
23 if I have good standards on everybody I cannot make an
24 identification, and in this case I was actually able to
25 eliminate the other people that I had fingerprint cards

1 on. But with her, because of the quality of the standards
2 that we had for her, I could not totally exclude her or
3 include her as the contributor.

4 Q. Thank you. And as I look at 10 --

5 MR. REDMOND: Ladies and gentlemen, please excuse me.
6 This is new technology so it would be bound to happen.

7 BY MR. REDMOND:

8 Q. 10.1, you see Item 49, Damian Inman; Item 50, Lorenzo
9 Inman and Item 51, John Henry Bridges. And based on an
10 issue that came up let me clarify something. Does -- were
11 you made aware that those three individuals had been
12 charged with this particular crime?

13 A. Yes, sir. At the time the comparison was done they
14 were actual suspects in the case. The other two are
15 family members of Ms. Stutts, and they would have had
16 access to her residence. So their prints were taken for
17 elimination purposes.

18 Q. And so is it standard operating procedure then if you
19 are you doing that analysis there the suspects are either
20 in custody or under suspicion that you would I guess
21 analyze their prints as well if they're available to you?

22 A. Yes, sir.

23 Q. Okay. Now, moving on to the next page. 10.3 and
24 10.4, do they all have the same no conclusion language
25 that you referred to earlier?

1 A. Yes, they do.

2 Q. And, again, I'm not getting into all of the
3 individual items of what each one is. The ladies and
4 gentlemen of the jury will have that back with them. So
5 Item 11, also no conclusion. Item 12?

6 A. That's, Item 12 -- well, Item 11 is also a no
7 conclusion. Item 12 was where I lifted that item and took
8 it back to the laboratory and looked at it under
9 magnification. It did not have sufficient value to make
10 an identification.

11 Q. Item 13, I guess, just on the page here. I'll let
12 you go ahead. I can probably save time and let you
13 discuss it.

14 A. Basically, these items have what we call sub-items
15 which is like the 13.1 and 13.2. When I lifted that card
16 there was more than one impression on that particular
17 card. So I have to report a result for everything that's
18 on that card. So, basically, any time I saw a latent
19 print on the card of that specific item the card itself
20 would be Item Number 13. Any impression that I saw on
21 there would be 13.1, 13.2, on up through that. And then I
22 have to report a result on everything that's on the card.

23 13.1, that basically was not identified to anyone,
24 and I also listed Ms. Stutts as no conclusion.

25 13.2 through 13.4, which goes over -- or 13.2 and

1 13.3 were no value for identification.

2 13.4 is on the next page. Also that one again is no
3 conclusion with Ms. Stutts, and then not identified with
4 the others. They also say -- there's a sentence at the
5 bottom of some of them that says, "The latents submitted
6 were not suitable for the South Carolina Automated
7 Fingerprint Information System.

8 Basically, S.L.E.D. also is in charge of A.F.I.S.
9 which is the Automated Fingerprint Information System. It
10 is an index or a database that's kept. There is a
11 national database, and then there is a State database.
12 S.L.E.D. keeps the State database.

13 Basically, this is kind of what you would see on
14 television or some of the C.S.I. shows where they put the
15 fingerprint into a computer and it comes up in a search.
16 And it spits out a name or a photograph or whatever. It's
17 not really done like that. It's done like that for t.v.
18 purposes, but that's what this system is. And there is
19 certain characteristics and certain qualities that have to
20 be in the fingerprint before it can actually be submitted
21 into that system.

22 And these fingerprints did not meet the minimum
23 qualifications to get into the system to be searched, is
24 basically what the paragraph means.

25 Q. And Items 14 and 16?

1 A. Are no value for identification.

2 Q. And going to the next page starting with Item 17.

3 Item 27 through 22?

4 A. All of those latent lifts were no value for
5 identification.

6 Q. Next page. Items 23 through 28?

7 A. Also no value for identification.

8 Q. And just I'm -- stop there just to clarify because I
9 hadn't got into individual, each one, but are these items
10 that you testified today earlier that you tested for
11 prints at the house of Ms. Stutts, the car, all of the
12 locations that we discussed that you were involved with?

13 A. Yes. There are items of evidence that would have
14 been collected. The majority of the last group would have
15 been the actual latent prints. And a lot of times when we
16 actually process the item for evidence we may see some
17 small ridges. But in order to do the actual comparison
18 you need magnification. So in a lot of instances it looks
19 like it has ridge detail. I'm going to go ahead and lift
20 it and take it back to the laboratory.

21 Once I get back to the laboratory then I'm going to
22 do a more careful analysis and see whether or not there is
23 anything of value that I can use. So on the scene we
24 collect anything like might look like it may have ridges
25 or may have some type of value. That's one reason there

1 are so many for identification.

2 Q. Okay. And I'm think Item 29, 31, no conclusion?

3 A. That's correct.

4 Q. And Item 30, tell us about Item 30?

5 A. Item 30 is marked as a latent lift card. It was
6 collected from the front passenger door between the window
7 and the handle on the Toyota Camry. And it was actually
8 identified to Lorenzo Inman.

9 Q. Next page?

10 A. That's actually part of an examination worksheet.
11 That actually shouldn't be in the report. Kind of got in
12 there by accident.

13 Q. Going to the Items 32, 23?

14 A. Thirty-two is no value, and 33, basically, I could
15 not identify to any of the people I had fingerprint cards
16 on and it was not suitable for A.F.I.S.

17 Q. Thirty-four through 39?

18 A. They're all -- excuse me. Thirty-four through 37 are
19 no value for identification.

20 Item 38, which is marked as a latent lift card,
21 driver side rear quarter panel was actually identified to
22 John Henry Bridges.

23 And then 39 has no value for identification.

24 Q. So at this point it looks like we's got three
25 positive hits out of the more than 30 items that you

1 examined?

2 A. That is correct.

3 Q. Okay. I'm sorry. Go ahead.

4 A. Item 40 has no value for identification.

5 Forty-one, also no conclusion to Ms. Stutts and not
6 identified to the others.

7 Item 42 was another latent lift. It's no value for
8 identification.

9 Item 43 is a latent lift that's mark the trunk lid of
10 the Toyota Camry that was also identified to John Henry
11 Bridges.

12 Q. And Item 44.

13 A. Item 44 is a latent lift that was marked driver's
14 side rear quarter panel at trunk of Toyota Camry, and that
15 was identified to Lorenzo Inman.

16 Forty-six was another latent lift, and it was not
17 identified.

18 And Items 46 through 35, when we use those known
19 standards they also have to be logged in as evidence and
20 those are the item numbers that were given to those known
21 standards.

22 Q. And just to briefly recap. By my count there were,
23 out of 45 items that you had analyzed, that you collected
24 from the various scenes while you were in Dillon, there
25 were only five that were suitable enough, for lack of a

1 better term, for you to make a positive identification?

2 A. There were only five that I identified.

3 Q. That you identified, yes?

4 A. There were others that were suitable but I could not
5 identify them to any of the people that I had cards on.

6 Q. And ---

7 A. Or known standard.

8 Q. And then, and I didn't count exactly how many, but
9 there were several that had no value?

10 A. That's correct.

11 Q. A large number that had no value?

12 A. That is correct.

13 Q. Now, let me show you some pictures if I may. You had
14 testified that there were pictures that you had taken?

15 MR. REDMOND: If the Court would indulge us.

16 BY MR. REDMOND:

17 Q. And starting with State's 13. I'll just go through
18 each one, and you can just tell us what each one
19 represents.

20 A. This photograph was taken on the railroad tracks on
21 Woodle Drive. If you look in the top left hand corner you
22 can actually see the railroad tracks.

23 Basically, once the trunk was opened to the vehicle
24 there close to the clasp or the trunk catch on the bottom
25 to the left hand side of that there is an area that

1 appears to be blood. If you look kind of ---

2 Q. And I'll just start. Is that this area right here?

3 A. Yes. And then up closer to the top left hand corner,
4 and I think I called it like the arm or whatever on the
5 trunk that little handle that put -- basically connects
6 the trunk lid itself to the trunk. There is also what
7 appears to be blood there.

8 Q. And would that be right here?

9 A. Yes. If you go straight down from there where the
10 tire well is there is also an area that's discolored that
11 also appears to be blood.

12 Q. That area right there?

13 A. Yes, sir.

14 Q. All right. And, now, tell us about State's 14?

15 A. State's 14 is just a more concentrated photograph of
16 that arm area. And that's just the terminology that I use
17 so I would know where it is at. That definitely appears
18 to be blood in there. And then you can see the area on
19 the carpet.

20 Q. Where I circled?

21 A. Yes.

22 Q. And State's 17?

23 A. This is roadway of Admiral Drive where Ms. Stutts'
24 body was located. Basically, when we take our crime scene
25 photographs we want to take what is known as general

1 photographs just so we can orient people when we look at
2 it later on to what to exterior of like the front of a
3 house looks like or a roadway.

4 So this would be, basically, what I would classify as
5 a general photograph of Admiral Drive.

6 Q. Now, State's 18, based on your experience what does
7 that -- based on your experience and information what does
8 State's 18 appear to be?

9 A. Those are drag marks.

10 Q. State's 23?

11 A. That's a photograph of what's been logged in as all
12 the components of State's 36 which is the Lorson .25
13 caliber handgun.

14 Q. And about where in this picture is that located?

15 A. It's almost directly center.

16 Q. Would that be where I have circled?

17 A. Yes, sir, it is.

18 Q. State's 24?

19 A. That's basically just a more close up photograph of
20 the same Lorson handgun from the last exhibit.

21 Q. State's 25?

22 A. It is a photograph of the backpack that was located
23 in the closet only McArthur Street at the Inman residence.

24 Q. And State's 26?

25 A. This is a photograph. The backpack has actually been

1 taken out of the house because it's going to be secured as
2 evidence. We went outside and that's on the tailgate of
3 my vehicle, and the backpack has basically been opened up
4 so you can see specifically so we can document what's in
5 the backpack itself.

6 Q. And, again, what does that -- I guess that green and
7 white, what is that?

8 A. That is what's State's Exhibit 40, the Remington .25
9 caliber box of ammunition.

10 Q. State's 27?

11 A. That's basically just a close up photograph of what
12 is still in the backpack so you can see where it was
13 actually located.

14 Q. I think it's the last one. State's 28?

15 A. This is a photograph. You can see -- I think
16 everybody has just been calling it kind of a canal area.
17 Basically, as we walked up to where Ms. Stutts' body was
18 located we basically took a series of photographs. This
19 photograph is taken from -- basically, there is a field
20 area and then there was a wood line. This is where the
21 field and the wood line meet.

22 So if you look in the upper portion there is a small
23 red area in the top. That is actually the shirt that
24 Ms. Stutts is wearing when she's found.

25 Q. And, again, would that be where I have circled?

1 A. Yes.

2 Q. Now, I think one more series of questions I need to
3 get into with you briefly, and then we'll be done with
4 this part of the examination. In working at S.L.E.D. and
5 investigating cases do you have the opportunity to I guess
6 examine, for lack of a better term, view reports from
7 other departments within the forensic laboratory?

8 A. Yes, sir, there are times when I have access to them.

9 Q. And say, firearms, have you every had the change to
10 view firearms reports?

11 A. On occasion, yes, sir.

12 Q. And based on your experience in law enforcement and
13 the time you spent in law enforcement when you're able to,
14 especially since this is a S.L.E.D. generated report, are
15 you able to, in most instances, review a report and get a
16 pretty good handle of what that report represents and
17 indicates?

18 A. Yes, sir.

19 Q. All right. I think I sat it up there. I think
20 that's State's 47?

21 A. Forty-five.

22 Q. Forty-five, excuse me. Is that a report from October
23 8th 2009?

24 A. Yes, sir, it is.

25 Q. Okay.

1 MR. REDMOND: And that is already in evidence Your
2 Honor through earlier stipulation.

3 BY MR. REDMOND:

4 Q. Would you tell the ladies and gentlemen of the jury
5 Item 22. Now, let me give you some more background. Is
6 this a report from the Firearms Department?

7 A. Yes, sir, it is.

8 Q. Okay. Have you had a chance to review this
9 particular report?

10 A. Yes.

11 Q. And does it appear to be a report that's done within
12 the normal operating procedure at S.L.E.D.?

13 A. Yes, sir.

14 Q. Now, Items 22 and 23, what do those particular items
15 indicate that they represent?

16 A. They're actually listed as individual fired bullets,
17 and in parentheses they're taken from Ms. Mary Alice
18 Stutts' body and in parentheses it tells us specifically
19 where they were collected.

20 Q. And since it's in evidence, could you -- and at this
21 particular time if I could go ahead and pull it up. Okay.
22 Item 22, when you talk about the parentheses what does
23 Item 22 -- if you could read that to the ladies and
24 gentlemen of the jury?

25 A. It says, "One fired bullet left ear of Mary Alice

1 Stutts."

2 Q. Okay. And let me ask you this. You had testified
3 previously that Rhonda Fields had gone to the autopsy of
4 Ms. Stutts; is that correct?

5 A. That is correct.

6 Q. And as a part of her, since she was working with you
7 on the case, are you aware of if she actually brought
8 items of evidence back?

9 A. She actually transferred those items into my custody,
10 and I actually logged them into the S.L.E.D. Laboratory.

11 Q. And with that let me show you what's been marked as
12 State's Exhibit 44 that's actually already in evidence,
13 Your Honor. And would you tell the ladies and gentlemen
14 of the jury what State's 44 represents?

15 A. State's 44 is from two testtubes that were collected
16 from the autopsy, and they're actually sealed within
17 several plastic bags.

18 Q. And is that the exhibit that you referred to as
19 having taken custody of?

20 A. Yes.

21 Q. Okay. And, again, are those the bullets that were
22 retrieved from the autopsy of Mary Alice Stutts?

23 A. Yes, sir.

24 Q. And, again, Item 22, one fired bullet from the left
25 ear of Mary Alice Stutts. Item 23, tell us what that is?

1 A. It is a fired bullet that is retrieved from the
2 nostril of Mary Alice Stutts.

3 Q. Okay. And is that also one of the exhibits that's a
4 part of I think 44?

5 A. Yes, sir, it is.

6 Q. Item 24, is that, Item 24, what is now been marked as
7 Exhibit 36? The -- I believe it is the .25 caliber
8 handgun?

9 A. Yes, sir, it is.

10 Q. And looking at the results from the firearms analysis
11 what are the results? What are the results listed on this
12 particular report?

13 A. The report, basically, one of the things that the
14 Firearm's Department does is they check what's called the
15 functionality of the gun. Susanne Cromer is the firearms
16 examiner. She notated that Item 24, which is the Lorson,
17 was missing the safety, but that did not prohibit the gun
18 from being fired. And she is basically saying in this
19 report that the Item 22 which is the fired bullet from Ms.
20 Stutts' left ear and Item 23 which is the fired bullet
21 from the nostril of Ms. Mary Alice Stutts was actually
22 fired by that item 24, Lorson Model LT-25.

23 Q. It was fired by Item 24. And, again, is Item 24 also
24 what has been introduced as State's 36?

25 A. Yes, it is.

1 Q. And, again, remind the ladies and gentlemen of the
2 jury where was that gun found?

3 A. That gun was located in a wood line close to the
4 railroad tracks on Woodle Drive where Ms. Stutts' vehicle
5 was stopped with Lorenzo Inman and John Henry Bridges
6 inside.

7 Q. And for further clarification for the jury was there
8 ammunition that you found during your investigation that
9 matches that particular handgun?

10 A. Yes, sir.

11 Q. And where did you find that at?

12 A. That was located in the black backpack at the Inman
13 residence on McArthur Drive.

14 MR. REDMOND: Beg the Court's indulgence. That will
15 be all the questions I have for Agent Hallman.

16 BY MR. REDMOND:

17 Q. Please answer any questions Mr. Brooker may have.

18 THE COURT: Mr. Brooker.

19 MR. BROOKER: Thank you, Your Honor. If you would
20 indulge me just a second, Your Honor.

21 MR. REDMOND: Beg the Court's indulgence.

22 MR. BROOKER: I'm sorry, Your Honor. We just need to
23 get an extra copy of Number 47 so I don't have to take
24 State's Exhibit 47 from Ms. Hallman as I discuss it with
25 her.

CROSS-EXAMINATION

BY MR. BROOKER:

Q. Ms. Hallman, if you could take a look at what's been marked as -- I think you have what's been marked. Is that State's Exhibit 47; is that correct?

A. Yes, sir.

Q. Okay. And this is the -- and I think this is the document that you discussed I think in great detail with Deputy Solicitor Redmond?

A. Yes.

Q. And, of course, this document pertains to latent prints that you collected from various sites, from either the, you know, from various sites as they related to your -- to this investigation; is that correct?

A. Yes, sir.

Q. Okay. And I'm going to try to be quick about it and only talk about the ones in which there was prints that you were able to take that did have values to them? And, of course, is there is that it's my understand, and I'm flipping through your report here, and then, of course, there is that I am on I think Page Number Two of the report. Specifically, Number Eight.

Am I correct in identifying that that is the first print from this report in which there was at least some value that could be used for identification purposes?

1 A. That's correct.

2 Q. Okay. And then, of course, Item Number Eight, it
3 says, "One partial box of Remington .25 caliber
4 cartridges;" is that correct?

5 A. Yes.

6 Q. Now, just for the jury's knowledge, and I don't know
7 whether or not you have that exhibit up here, is that are
8 you referring to this particular exhibit?

9 A. That is the exterior. So this along with these --
10 well, this, and the -- I believe there were actually
11 cartridge casings inside that also. So these two together
12 along with the cartridges would have consisted of Item
13 Eight.

14 Q. Okay. And which item was the latent print taken off
15 of?

16 A. It's actually taken off of what's been marked as
17 State's Exhibit 54.

18 Q. Okay. State's Exhibit 54?

19 A. Yes, sir.

20 Q. And this is the I guess the cartridge container for
21 the bullet cartridges?

22 A. That is correct.

23 Q. Okay. This come out of what's been marked as State's
24 Exhibit 47 -- excuse me. State's Exhibit 40, which is the
25 box?

1 A. Yes, it did.

2 Q. Okay. And, of course, I'm looking at, holding up
3 here, State's 54, which is the cartridge container. Okay.
4 Now, is this the same -- are these, State's 54 and State's
5 40, are these the items that were located within, you
6 know, the black book bag that was found in the Inman
7 residence?

8 A. Yes, sir.

9 Q. Okay. And just to -- for purposes of -- for the
10 witnesses, this is that black bag; is that correct, and
11 it's identified as State's Exhibit 25?

12 A. Yes, sir.

13 Q. Okay. And those items are the cardboard -- the
14 cardboard container and also the cartridge container was
15 found within what's been identified as State's Exhibit 25
16 which is -- it looks like a black backpack?

17 A. That is correct.

18 Q. Okay. All right. Now, you said the print was lifted
19 off of the -- on this cartridge or this cartridge case
20 which is identified as State's Exhibit 54?

21 A. That's correct.

22 Q. Okay. And so -- and that means is that you were able
23 to find a print, you know that had sufficient, you know,
24 enough properties where you could match it to a print?
25 I'm sorry. Go ahead.

1 A. That is correct.

2 Q. Okay. And then, of course, is that I think you
3 testified to is that -- that the print that came off that
4 bullet cartridge was matched to Lorenzo Inman?

5 A. That is correct.

6 Q. Okay. And did you also -- you did have a print card
7 of Damian Inman's print, did you not?

8 A. Yes.

9 Q. Okay. Did you try to match Damian Inman's print card
10 to the print that you lifted off that box?

11 A. Yes.

12 Q. Okay. And it didn't match?

13 A. No, sir.

14 Q. Okay. Did you find any other prints, either on the
15 cartridge case or either on the box, of value other than
16 the one that's identified in Item Number Eight?

17 A. No, sir, I did not?

18 Q. Okay. Now, if my -- if I'm looking at this correctly
19 the next item that you collected that did have at least
20 some value is that you obtained, and correct me if I'm
21 wrong, was a print obtained from the inside of the storm
22 door. Inside of the frame that was at Ms. Inman's
23 house -- excuse me. Ms. Stutts' house?

24 A. That's correct. Item Number Ten.

25 Q. Okay. And so on the storm door, you know, at

1 Ms. Stutts' house you find a print?

2 A. That is correct.

3 Q. And the print has sufficient enough properties, you
4 know, to be used to compare with; is that correct?

5 A. Yes.

6 Q. And did you compare that print with Damian Inman?

7 A. Yes.

8 Q. Okay. And what was the result?

9 A. Not identified.

10 Q. Okay. And that means is that Damian Inman's print
11 did match that particular latent print?

12 A. That is correct.

13 Q. Okay. Now, and I think if my -- if I'm looking at
14 the report correctly, is that the next item in which the
15 next print that you found is Item Number 11, and that
16 inside of a storm door near the center. Is near the
17 center of a storm door at Ms. Stutts' house; is that
18 correct?

19 A. Yes.

20 Q. And with that print, that print did have sufficient
21 properties in which to compare to; is that correct?

22 A. Yes.

23 Q. And did you compare Damian Inman's fingerprints to
24 the fingerprint that you found in Item Number 11?

25 A. I did.

1 Q. Okay. And what was the result?

2 A. Not identified.

3 Q. Okay. And not identified means that there was no
4 match?

5 A. That's correct.

6 Q. So it wasn't his print?

7 A. Correct.

8 Q. Okay. I think the next latent print was Item Number
9 13 in State's Exhibit 47, and it looks as if that's a
10 print that was taken on the inside of the storm door
11 center area near the bottom of the storm door at Ms.
12 Stutts' house; is that correct?

13 A. Yes.

14 Q. Okay. And that print did have sufficient properties
15 to make a comparison to; is that correct?

16 A. Yes.

17 Q. Okay. And did you compare that print to the print
18 card that you had for Damian Inman?

19 A. Yes, sir.

20 Q. And what was the result?

21 A. Not identified.

22 Q. And not identified means that there was no match?

23 A. That is correct.

24 Q. Okay. If you could indulge me just a second. I
25 think, and you correct me if I'm wrong, the next item in

1 the report on State's Exhibit 47 is Item Number 17. And,
2 of course, that is a print that was taken on the outside
3 door just beneath the window frame?

4 A. There is a couple of items before that that are
5 listed as no value.

6 Q. Yes. And that's what we're trying to do is simply
7 look at the ones in which -- and no value means it was
8 insufficient for comparison?

9 A. That is correct.

10 Q. Okay. And that's what I'm trying to do is simply
11 look at the ones that are sufficient for comparison?

12 A. Okay.

13 Q. The next one that was sufficient for comparison is
14 Item 17. Am I correct in that report?

15 A. No. Item 17, if you look on the next page, says no
16 value.

17 Q. No value. Okay. And so and let me just flip through
18 here so we can identify the next one so we won't waste any
19 time. The next one would be Item 29, am I correct?

20 A. Yes.

21 Q. Okay. And it says here that that is a latent print,
22 and that print was taken from the outside rear driver's
23 side window of Ms. Stutts' Toyota Camry?

24 A. Correct.

25 Q. And that would have been the car that -- that would

1 have been Ms. Stutts' car in which it was taken and in
2 which she was put in the truck; is that correct?

3 A. Yes, sir.

4 Q. Okay. And that print, there was sufficient
5 properties for identification purposes for that print; is
6 that correct?

7 A. Yes.

8 Q. Okay. And did you identify them? Did you compare
9 that print card -- compare that print with the print card
10 that you had for Damian Inman?

11 A. Yes, sir, I did.

12 Q. Okay. And what was the result?

13 A. Not identified.

14 Q. And not identifiable means that there was not match
15 for Damian Inman?

16 A. Correct.

17 Q. Okay. And, of course, the next item would have been
18 Item Three, and that was a print that was taken from the
19 front passenger door between the window and the handle on
20 Ms. Stutts' car; is that correct?

21 A. Yes, sir.

22 Q. Okay. And that print was sufficient enough to have
23 sufficient properties for comparison; is that correct?

24 A. Yes, sir.

25 Q. And did you compare that print to the print that you

1 had for Damian Inman?

2 A. / Yes.

3 Q. And, of course, they did not match; did they?

4 A. No, sir.

5 Q. Number 31 is a print that was taken from the front
6 driver's side door above the door handles of Ms. Stutts'
7 Toyota Camry; is that correct?

8 A. Yes.

9 Q. Okay. And that print did have sufficient properties
10 for comparison?

11 A. Yes.

12 Q. Is that correct?

13 A. Yes.

14 Q. And did you compare that to the print that you had on
15 file for Damian?

16 A. Yes, sir.

17 Q. Okay. And there was no comparison to Damian Inman;
18 is that correct?

19 A. There was no match to him. No, sir.

20 Q. I'm sorry. There was no match. Those fingerprints
21 did not match; is that correct?

22 A. Yes. That shouldn't be in there. It's part of a
23 work sheet that got stuck you there.

24 Q. Okay. I see. I see. And then, of course, is that
25 I'm looking for the next print that had some value, and

1 that would have been -- is that Number 33?

2 A. Yes, sir.

3 Q. Item 33? And that was a print taken from the
4 passenger side trunk near the back of that Toyota Camry
5 belonging to Ms. Stutts; is that correct.

6 A. Yes.

7 Q. Okay. And did you compare that with Mr. Inman's
8 fingerprints?

9 A. Yes.

10 Q. Okay. And was there a match?

11 A. No, sir.

12 Q. Okay. Number 41, a print taken from the rear
13 driver's side quarter panel of Ms. Stutts' car; is that
14 correct?

15 A. Yes, sir.

16 Q. Okay. And that had sufficient properties for
17 comparison?

18 A. Yes, sir.

19 Q. Okay. And did you compare that print to the known
20 prints of Damian?

21 A. Yes, sir.

22 Q. And there was no match, was there?

23 A. No, sir.

24 Q. The next one would have been a -- would have been a
25 latent print taken from the trunk lid of Ms. Stutts'

1 Toyota Camry; is that correct?

2 A. Yes. You looking at 43?

3 Q. Yes, ma'am. I apologize. Item 43. Okay. And that
4 had a sufficient -- that print had sufficient properties
5 for comparison?

6 A. Yes, it did.

7 Q. And did you compare them to Damian Inman?

8 A. Yes, sir.

9 Q. Okay. And there was -- and they were not identical,
10 were they?

11 A. No, sir. They came back to John Henry Bridges.

12 Q. Okay. So those came back as John Henry Bridges?

13 A. Yes.

14 Q. And then, of course, on Item Number 44, that was a
15 latent print that was taken from the driver's side rear
16 quarter panel at the trunk of Ms. Stutts' Toyota Camry; is
17 that correct?

18 A. Yes.

19 Q. Okay. And that print had sufficient properties for
20 comparison?

21 A. Yes.

22 Q. And did you compare those prints to the known
23 fingerprints of Damian Inman?

24 A. Yes.

25 Q. And, okay, and what were the results?

1 A. They actually match Lorenzo Inman.

2 Q. Okay. They matched Lorenzo Inman. Did they match
3 Damian Inman?

4 A. No.

5 Q. There was no comparison or they had no identical
6 properties to Damian; is that correct?

7 A. That is correct.

8 Q. And that means that they were not his prints?

9 A. Correct.

10 Q. All right. Now, isn't it true that the only prints
11 that were found, all the prints that we just went over to
12 the prints that had identifiable properties that could be
13 used for comparison, of all those prints none of those
14 prints that you compared to Damian Inman, none of them,
15 matched his fingerprints?

16 A. That is correct.

17 Q. The only prints in which some of these items matched
18 the prints of the Lorenzo Inman and the prints of John
19 Henry Bridges; is that correct?

20 A. Correct.

21 Q. Now, you also testified to the fact that you
22 collected a gun; that you collected the gun which has been
23 identified as State's Exhibit -- State's Exhibit -- I
24 think this is State's Exhibit 36B; is that correct?

25 A. Yes.

1 Q. Okay. And I think you testified on direct
2 examination that this is a handgun that was found near the
3 location where Lorenzo Inman and John Henry Bridges were
4 apprehended and, you know, after a high speed chase in Ms.
5 Stutts' car?

6 A. Correct.

7 Q. Okay. And my understanding is that Mr. Damian Inman
8 was not in that vehicle or was involved in that high speed
9 chase?

10 A. Not to my knowledge. No, sir.

11 Q. Okay. And I don't know, but I'm going to ask to be
12 absolutely certain is were any prints attempted to be
13 taken from the weapon?

14 A. Yes, sir.

15 Q. Okay. And were any prints capable of being taken
16 from the weapon?

17 A. No, sir.

18 Q. Okay. Now, were -- I know that no prints were able
19 of being taken from the weapon, and that this may not be
20 your area of expertise, I think you testified on direct
21 examination that actually what makes prints capable of
22 being collected is that prints, I guess, have a moisture
23 property or have moisture to them; is that correct?

24 A. Yes, sir.

25 Q. Okay. And, of course, the moisture would actually

1 come from the actual person giving the print, correct?

2 A. Yes.

3 Q. Okay. And in that moisture there would be D.N.A.?

4 A. Yes, sir.

5 Q. Okay. Did anyone attempt to do, you know, a buccal
6 swab of this gun to try to determine whether or not Damian
7 Inman's D.N.A. was on this gun?

8 A. I believe so. I would have to actually have to look
9 at my notes to tell you for sure whether or not D.N.A. was
10 collected, but it would have been standard procedure.

11 Q. Okay.

12 A. I don't remember off the top of my head.

13 Q. Okay. All right. And just for the purposes of the
14 record do you have your notes in front of you?

15 A. I've got them, yes, sir.

16 Q. I don't know how long it will take you. Will it take
17 your long to look at your notes to see whether or not
18 there was any D.N.A. collected?

19 A. I'm not sure. Let me look at the log in sheet real
20 quick.

21 Q. Sure. And if it would help you I have what's -- it's
22 been identified as Defense Exhibit Number Two, but I think
23 we have agreed upon?

24 MR. REDMOND: Oh, yes, no objection at all, Your
25 Honor.

1 (WHEREUPON, Defendant's Exhibit No. 2 was admitted
2 into evidence.)

3 BY MR. BROOKER:

4 Q. Can I ask you to take a look at that. Is that a list
5 of everything that you submitted to S.L.E.D. for analysis?

6 A. This is at least a list of some of the evidence. I'm
7 not sure exactly how many submission. This would have
8 been the actual first submission of evidence. So this
9 would have been the bulk of the evidence.

10 Q. And that includes buccal swabs, does it not?

11 A. Let's see. There are actually some swabs listed here
12 that were taken from the vehicle.

13 MR. BROOKER: But those are the only swabs I see from
14 the vehicle itself.

15 Q. There is none listed as willing collected from the
16 gun itself at least in State's Exhibit -- Defense Exhibit
17 Number Two?

18 A. No, sir. Not from what I can see.

19 Q. Okay. Please continue on. Take a look at your
20 records and see whether or not?

21 A. From what I'm seeing it doesn't appear D.N.A. was
22 collected from the gun.

23 Q. Okay. Now, and you correct me if I'm wrong, but one
24 of the purposes of collecting D.N.A. from the gun would be
25 to try and determine who handled the gun?

1 A. That is correct.

2 Q. Okay. But as far as you can tell, at least from
3 scanning your records, you don't see where, you know,
4 where a D.N.A. swab was done?

5 A. I don't. No, sir, I don't.

6 Q. Now, okay. Now, next I'm going to turn your
7 attention back to the -- to Defense Exhibit Number Two
8 which is the document that I referred you to. I don't
9 know whether you have a copy of it?

10 A. Do I have a copy of the actual submission document?
11 I'm not certain I actually have that.

12 Q. That's okay. You can take that one if you like.

13 A. Okay.

14 Q. Okay. Now, on State's Exhibit Number -- Defense
15 Exhibit Number Two, that is the list of -- I think that we
16 have established that that is a list of evidence that was
17 collected that was submitted to S.L.E.D. for analysis?

18 A. It's some of the evidence, yes, sir. There were
19 additional items submitted.

20 Q. Yes, ma'am. Some of it. Okay. And in that
21 particular list of submissions I believe were there items
22 of clothing from Mr. Damian Inman, Mr. Lorenzo Inman and
23 also from Mr. John Henry Bridges that were submitted
24 for -- submitted to S.L.E.D. for analysis?

25 A. Yes, sir.

1 Q. Okay. Now, and I have what's identified as Defense
2 Exhibit Number One, and I want you to take a look at that,
3 okay?

4 A. Okay.

5 Q. Okay. Now, Defense Exhibit Number One is actually
6 the D.N.A. report?

7 A. That is correct.

8 Q. Okay. And Item Number One of that report I think
9 it's 1.6 -- 6.1 if I'm correct?

10 A. Yes, sir.

11 Q. Okay. And on Item 6.1 was that a patch of clothing
12 that was taken from -- a cut away patch of the jeans from
13 I think John Henry Bridges?

14 A. That's what's indicated, yes, sir.

15 Q. Okay. And, of course, it also indicates that there
16 was D.N.A. evidence on the jeans or pants of John Henry
17 Bridges?

18 A. Item 6.1 actually does indicate that blood was
19 present, and it's listed as a cutting from the blue jeans.

20 Q. Okay. All right. And could you look at the analysis
21 and see whether or not there was a comparison to any other
22 D.N.A. evidence?

23 A. I'm not sure what you're asking me.

24 Q. Okay. I apologize. Okay. On the final page I think
25 there is the results?

1 A. Okay.

2 Q. And on the final page of the results that it
3 indicates that the D.N.A. found on Item 6.1 was a match to
4 other items?

5 A. Yes.

6 Q. And what are the items to were they a match to?

7 A. Item 6.1, which is a cutting from the blue jeans.
8 Item Six, I've indicated was a pair of blue jean from John
9 Henry Bridges. It matched the D.N.A. profile of Mary
10 Alice Stutts.

11 Q. Okay. So the D.N.A. on those jeans were from Mary
12 Alice Stutts? Were there any D.N.A. taken from the jeans
13 of Damian Inman?

14 A. Let me look. From what I can tell the only items
15 that were tested were several cuttings from the jeans of
16 John Henry Bridges, and there was a swab that was taken
17 from Item 12 which is notated as a brown belt from Lorenzo
18 Inman.

19 Q. Okay. And was there any D.N.A. evidence on that
20 belt?

21 A. It says, 'no blood indicated. See D.N.A. analysis'.

22 Q. Okay. So there was no blood indicated on the belt?

23 A. That's correct. And it had a partial D.N.A. profile,
24 but they were unable to interpret the results to find out
25 who it was.

1 Q. Okay. And they also looked at his shoes, am I
2 correct or not? I forget which items it was. I think --
3 and when I said, 'shoes', I'm talking about the shoes of
4 Damian Inman.

5 A. I don't see it on this report. I don't see the shoes
6 listed on here.

7 Q. Let me see. I might be wrong, but make sure.

8 A. His shoes would have been Item 16 on the log in
9 sheet.

10 Q. Okay. Then, of course, Item 16 looks like it's not
11 contained on the D.N.A. report?

12 A. That is correct.

13 Q. That D.N.A. would not have been submitted or there
14 was no -- or they would not have tested it?

15 A. Apparently, it wasn't tested.

16 Q. Okay. All right.

17 MR. BROOKER: Now, if you can indulge me just a
18 second, Your Honor?

19 THE COURT: Sure.

20 MR. BROOKER: I may be coming close to an end.

21 BY MR. BROOKER:

22 Q. Now, you were asked about I think a couple of the
23 exhibits that's up here.

24 MR. BROOKER: If you can indulge me, Your Honor, I
25 have to do this the old fashioned way.

1 BY MR. BROOKER:

2 Q. I think, specifically, you were asked about State's
3 Exhibit, I think, 13. And, of course, this is State's
4 Exhibit 13?

5 A. Yes, sir.

6 Q. Okay. And my understanding of State's Exhibit 13 is
7 that that is Ms. Stutts' car?

8 A. That is correct. It's the trunk area.

9 Q. And I think you testified that in this State's
10 Exhibit that it looks like to be some blood splatter, you
11 know, in various place? At least in three places in the
12 trunk area.

13 A. Yes, sir.

14 Q. Okay. Now, was this -- was that D.N.A. evidence
15 swabbed?

16 A. Yes, swabs would have been collected.

17 Q. Okay. Okay. And just to be absolutely certain that
18 that D.N.A. evidence that was taken from this particular
19 car was not the D.N.A. evidence of Damian Inman? Or was
20 it compared to the D.N.A. evidence of Damian Inman?

21 A. I can't testify as to what it was compared to because
22 I didn't to the D.N.A. comparison. That would have been
23 conducted by, in this case, Adrian Riley, who actually
24 issued the D.N.A. report. And let me ---

25 Q. And I can ask you in a different way so we can move

1 on?

2 A. Okay.

3 Q. Let me ask you about your knowledge. Do you have any
4 knowledge as to whether or not any swabs taken from this
5 particular blood splatter whether or not it was compared
6 to any D.N.A. taken from Damian?

7 A. I can -- let me look at the item numbers real quick.

8 Q. Certainly.

9 A. One of those sets of swabs would have been S.L.E.D.
10 Item 32, and the report indicates that no analysis was
11 performed. One of those swabs would have been either Item
12 31 which is carpet inside trunk on driver's side. The
13 report indicates no analysis performed.

14 And then there is also S.L.E.D. Item 30 which is a
15 swab collected from small blood stain inside trunk on
16 driver's side of Toyota Camry. Blood was indicated on
17 that item, and according to Agent Riley's report that
18 blood also came back to Mary Alice Stutts.

19 Q. Okay. But as far as those reports that you see none
20 of those -- none of that blood swabs did you see anywhere
21 where compared to the D.N.A. of Damian Inman?

22 A. Well, the report actually indicates in the item
23 analyzed that she looked at the blood standard of Mary
24 Alice Stutts, Lorenzo Inman, Damian Inman and John Henry
25 Bridges, Jr. So I couldn't specifically say, but the

1 report would lead me to believe that she compared the
2 D.N.A. from -- the unknown D.N.A. to all of these people.

3 Q. You have any analysis showing that that blood matched
4 that of Damian Inman?

5 A. I didn't do the report but the report does not
6 indicate that any of the swabs came back to Damian Inman.

7 Q. Thank you. So, and I'm just about finished, and I'm
8 going to ask you the same questions I asked every witness
9 before you got up here before you down is that were you at
10 the -- Ms. Hallman, were at Ms. Hallman's [sic] home when
11 she was abducted?

12 A. No, sir.

13 Q. So --

14 THE COURT: Ms. Stutts.

15 MR. BROOKER: I apologize, Your Honor. Thank you for
16 correcting me.

17 BY MR. BROOKER:

18 Q. Ms. Stutts?

19 A. No, sir.

20 Q. Ms. Stutts?

21 A. No, sir, I was not.

22 Q. Okay. And because you were not at Ms. Stutts' home
23 when she was abducted you were not an eyewitness?

24 A. That is correct. I was not.

25 Q. Okay. And because you were not an eyewitness you're

1 not here telling this jury that you have eyewitness
2 testimony with respect to what if any Damian Inman's
3 involvement was in Ms. Stutts' abduction?

4 A. That is correct. I can only testify to the evidence
5 that I found at the scene.

6 Q. Okay. And were you present when Ms. Stutts was shot?

7 A. No, sir.

8 Q. Okay. So you were not an eyewitness to Ms. Stutts'
9 shooting?

10 A. No, sir.

11 Q. And because you were not an eyewitness to Ms. Stutts'
12 shooting, would you agree with me that you cannot testify
13 to this jury that you have any direct knowledge with
14 respect to what if any Mr. Damian Inman's participation
15 would have been in her shooting?

16 A. I got lost in there somewhere but.

17 Q. I'll repeat that.

18 A. No, sir. I do not have direct knowledge that he is
19 the person who shot her.

20 Q. Okay. And you do not have direct knowledge as an
21 eyewitness with respect to what his involvement would have
22 been with respect to her shooting?

23 A. That is correct.

24 Q. Okay.

25 MR. BROOKER: If you can indulge me just a second.

1 Your Honor. I'm -- let me check and make sure I have no
2 further questions, but I think I'm about finished. No
3 further questions, Your Honor.

4 THE COURT: .state

5 MR. REDMOND: May it please the Court.

6 REDIRECT EXAMINATION

7 BY MR. REDMOND:

8 Q. Excuse me. Agent Hallman, in looking at the D.N.A.
9 report that the Defense just got into with you, I guess
10 Defense Two if I'm not mistaken, you talked ---

11 A. Defense One.

12 Q. Defense One. I'm sorry. I apologize. Thank you.
13 Is the only person -- well, let me ask you this. Who is
14 the only person that there were any positive findings on
15 as it relates to the D.N.A. report?

16 A. Mary Alice Stutts.

17 Q. And I'm talking about as far as the Defendant? Out
18 of the defendants were there any positive identification I
19 believe on some jeans of one of the defendants?

20 A. Are you asking -- the jeans of John Henry Bridges ---

21 Q. Exactly.

22 A. Had Mary Alice Stutts' D.N.A. on it.

23 Q. And thank you for clarifying that. So, now, out of
24 the three the only one that showed any, I guess,
25 evidentiary value, was the jeans on John Henry Bridges?

1 A. The only thing that the report indicates, yes. I
2 wouldn't know about the other items of evidence cause I
3 don't know for sure if they were tested.

4 Q. Exactly. That's what I was going to get into. Is
5 there, in the report, does it not indicate that everything
6 was not actually tested?

7 A. There is some indications that there were some other
8 cuttings that were not actually tested, but in the
9 submission report there were numerous items that were
10 actually submitted for D.N.A. analysis. And the D.N.A.
11 Department at S.L.E.D. actually had a policy about how
12 many items that they will test.

13 There are circumstances that they will test more
14 items, but they have you to meet certain criteria that I'm
15 not -- I don't know for sure what all the criteria are.
16 But at that time they had a certain number of items that
17 they would test. And when they actually got positive
18 results they would usually stop the testing unless they
19 were contacted by the agency in question and asked to test
20 other items.

21 Q. And thank you. That was actually going into my next
22 point. And, again, there through protocol a limit to how
23 many are going to be tested?

24 A. In most cases, yes, sir, and I'm not part of the
25 D.N.A. Department so I'm not sure. I'm not sure exactly

1 how all of it is set up. I know as a crime scene person
2 that I was always asked to pick a certain number of items
3 to be submitted for the initial round of testing.

4 And after that initial round of testing if other
5 items needed to be tested then additional items could be
6 examined.

7 Q. And let me ask you this. Because of your crime scene
8 work and long career in law enforcement, if -- that you
9 were asked about this, if there were statements that were
10 given -- in other words let me ask you like this. Would
11 the analyst have contact with the agency as it relates to
12 the need to test further items?

13 A. Absolutely.

14 Q. And given that you got that background if you work a
15 case where you got statements of the defendants placing
16 themselves there or the like, at that point, even if there
17 is no D.N.A. match, would you necessarily go further with
18 any D.N.A. matching?

19 A. Probably not. It would have to be a discussion
20 that's done either with the supervisor of the D.N.A.
21 Department, the actual D.N.A. analyst, and then the
22 agency -- like in this case either Dillon County Police
23 Department or Dillon County Sheriff's Office or Dillon
24 County Police Department or even you as the Solicitor
25 could actually contact S.L.E.D. and ask for additional

1 items to be tested.

2 But that's not something that they normally do
3 because they have such a large caseload.

4 Q: And let me ask you a common sense question like this.
5 When you're checking for D.N.A. latent prints is it to
6 confirm or determine whether the person was there or at
7 the scene of a crime or a particular location?

8 A. It helps to confirm that somebody is there, but the
9 absence of finding anything doesn't necessarily mean that
10 they weren't there. They just did not leave any evidence
11 behind that was retrieved at the time.

12 Q. And if that person had given a statement saying that
13 they were there does that mean because there was no D.N.A.
14 or no fingerprints doesn't mean that person wasn't there?

15 A. No, sir. To me the forensic evidence would just
16 reinforce the statement and possibly clarify any questions
17 that might have came up during the statement.

18 Q. That's all the questions I have. Thank you.

19 MR. BROOKER: Your Honor, I have no follow up, Your
20 Honor. Thank you.

21 THE COURT: You may step down.

22 THE WITNESS: Thank you, sir.

23 MR. DANIEL: May we approach about scheduling?

24 THE COURT: Yes, sir.

25

1 (WHEREUPON, a bench conference was held off the
2 record in the presence of the jury, but out of the
3 hearing of the jury.)

4 MR. DANIEL: Judge, the final and quick witness, we
5 call Lisa Alford.

6 THE COURT: Fine. For today?

7 MR. DANIEL: For today, right.

8 CLERK OF COURT: Place your left hand on the Bible
9 and raise right hand.

10 LISA ALFORD, after being duly sworn, testified
11 as follows:

12 CLERK OF COURT: Have a seat in the witness box and
13 state your full name, spelling your last.

14 THE WITNESS: Lisa Alford, A-L-F-O-R-D.

15 DIRECT EXAMINATION

16 BY MR. DANIEL:

17 Q. Ms. Alford, thank you for waiting for us this
18 afternoon. Where are you from, Ms. Alford?

19 A. In Dillon.

20 Q. And where do you work?

21 A. Dillon School District Four.

22 Q. What do you do for the school district?

23 A. Custodian.

24 Q. Did you work at Stewart Heights Elementary School in
25 2009?

1 A. Yes, sir.

2 Q. You know why we're here today.

3 A. Yes?

4 Q. So let's think back to August of 2009. Do you
5 remember anything unusual about when you got to work that
6 day; that particular day in August that we're talking
7 about?

8 A. Yes, sir. When I was -- I have to be at work in the
9 afternoon at eleven o'clock. When I was getting near to
10 the school I noticed a lot of police cars down the street.
11 And so I, when I got to the school, and I asked Officer
12 Training which is Heather Carmichael, and I asked him what
13 was going on down the street with all the police cars.
14 And he said, "Well ---

15 MR. BROOKER: Just the objection, Your Honor, to what
16 ma said because it's a violation of the hearsay rule.

17 THE COURT: Thank you. Don't go into that.

18 MR. DANIEL: Yes, sir. That's okay.

19 BY MR. DANIEL:

20 Q. Without getting into what anybody said did you have a
21 conversation with law enforcement about what had taken
22 place a couple of doors down?

23 A. I did.

24 Q. And at some point did you end up giving a statement
25 to law enforcement about something you may have seen?

1 A. Yes, sir.

2 Q. Okay. Did you see something that law enforcement was
3 interested in?

4 A. Yes, sir.

5 Q. And when did you see that in relation to the day
6 that you gave the statement? You don't have to remember
7 the exact date.

8 A. Well, I was getting close to getting off of work, and
9 I noticed three boys standing outside the fence.

10 Q. About what the time would this have been?

11 A. Well, I get off at seven o'clock at night, but it was
12 between 6:35.

13 Q. Okay?

14 A. About that time.

15 Q. Okay. So this was on the afternoon ---

16 A. Yes.

17 Q. --- in question?

18 A. Yes, sir.

19 Q. You said you saw three boys walking down the street?

20 A. Yes, sir. What caught my attention I parked my car
21 at the fence so the boys kept walking past the school.
22 They would turn around, and went back and then turned
23 around and went back. The third time I noticed that two
24 of the boys, shorter boys, they were still standing near
25 the road. But it was a real tall boy which I knew who he

1 was because we all lived in the same neighborhood. About
2 five or ten minutes later he calmly run.

3 Q. And we're going to clear all that up. Take a look at
4 your screen. Just your screen. It's not on the big
5 screen yet for the jury, but will you take a look at this
6 imagine. You see that?

7 A. Yes.

8 Q. That is a diaphram that is not scaled. Defense and I
9 have discussed it. Does this diagram depict Stewart
10 Heights Elementary School?

11 A. Yes.

12 Q. And the two homes to the left of the school from the
13 road?

14 A. Yes.

15 Q. Does that show the road?

16 A. Yes.

17 Q. Okay.

18 MR. DANIEL: Your Honor, at this point I'd like to
19 publish this. At this point for demonstrative purposes
20 only so Ms. Alford can go through what she saw?

21 THE COURT: Any objection to that?

22 MR. BROOKER: No objection, Your Honor.

23 THE COURT: All right.

24 BY MR. DANIEL:

25 Q. I'm going to ask you, with the Court's permission, to

1 step down so you can help me out here. Okay. So what
2 we're looking at here is -- again, this is not to scale,
3 but it's clear enough. So this is the school where you
4 work?

5 A. Yes, sir.

6 Q. And Calhoun Extension is the road that runs in front
7 of it?

8 A. Yes, sir.

9 Q. And then there is a house right here?

10 A. Yes, sir.

11 Q. And then Ms. Stutts' home?

12 A. Yes, sir.

13 Q. And you're aware that's where she lived?

14 A. Yes.

15 Q. Okay. So sometime late that afternoon you were
16 finishing your work I think is what your testimony is?

17 A. Yes, sir.

18 Q. And you were getting ready to leave?

19 A. Yes, sir.

20 Q. You couldn't leave until seven o'clock?

21 A. Yes, sir.

22 Q. Okay. So where were you sitting? First of all, what
23 are these two -- what are those two things?

24 A. This is the front entrance. This is the gate
25 entrance.

1 Q. Okay. So the bus drivers or something would have
2 used that entrance?

3 A. Yes.

4 Q. Okay. So where were you sitting?

5 A. I was sitting --

6 Q. You were sitting right here? Somewhere in there?

7 THE COURT: Y'all are going to have to speak up.

8 BY MR. DANIEL:

9 Q. Okay. So you're sitting there, and you're waiting on
10 seven o'clock to come. Tell the jury again what you saw?

11 A. I seen three boys standing in the -- I seen three
12 boys and they proceeded to walk down the street. They
13 turned around and came back. And then they turned around
14 again, but the third time just the two shorter boys was
15 just standing in the middle of the road where I park my
16 car. I park my car to the gate. They were just standing
17 in the middle of the road. And two minutes later the
18 taller boy, he came running and caught up with the other
19 boys.

20 Q. Okay. So which direction did you see them the first
21 time? Where were they walking?

22 A. They was walking.

23 Q. Speak up.

24 A. They was walking ---

25 Q. That way?

1 A. Yes.

2 Q. Okay. You then you said at some point they turned
3 around?

4 A. Yes. They turned around like in the -- as far as I
5 can see them they turned around and came back.

6 Q. Okay. All three of them still together?

7 A. All three of them.

8 Q. Okay.

9 A. They came back by the third time and walked past the
10 school twice. The third time the tallest one was not with
11 them. It was just the two boys like standing in the
12 middle of the road.

13 Q. Okay. And the tallest one, do you know who the
14 tallest one is?

15 A. I know him because we all live in the same
16 neighborhood.

17 Q. And you recognized him that day?

18 A. Yes, sir.

19 Q. What is his name?

20 A. Henry.

21 Q. Is that John Henry Bridges?

22 A. Yes.

23 Q. Okay. And there were two others?

24 A. Yes, sir.

25 Q. So they were walking around, and you said they passed

1 one time. Then they turned around and passed the second
2 time?

3 A. Yes, sir.

4 Q. And then the third time you said that they passed the
5 two that are not named John Henry?

6 A. Right.

7 Q. And then John Henry?

8 A. Yes.

9 Q. And then what they do? They stopped and talked?

10 A. They all three went back walking to the school. Once
11 they walked past the school I didn't see them no more.

12 Q. Okay. And you stated that the reason you were paying
13 attention to this is because why? Why did you notice
14 them?

15 A. My car is parked at the fence right ---

16 Q. Where was your car?

17 A. Well, with ...

18 COURT REPORTER: She has to speak up.

19 BY MR. DANIEL:

20 Q. Okay. And that's why you kept looking?

21 A. Yes.

22 Q. Now, was it daylight still at this time?

23 A. Yes, sir.

24 Q. Cause it was August?

25 A. Yes.

1 Q. It was early evening in August. Okay. Was it
2 raining?

3 A. No, sir.

4 Q. Is there a fence here?

5 A. It is.

6 Q. Is it a brick fence that you can't see through?

7 A. No, sir.

8 Q. What kind of fence is it?

9 A. It's a chain link fence.

10 Q. Okay. So you can easily see through it?

11 A. Yes, sir.

12 Q. You can return to your seat if you would, please.

13 Thank you so much. And, finally, and I think I'm done,
14 the three young men that you saw, you knew John Henry
15 Bridges?

16 A. Yes.

17 Q. But you didn't know the other two?

18 A. No.

19 Q. Do you see one of the other two in the room here
20 today?

21 MR. BROOKER: Objection, Your Honor. We'll need to
22 approach.

23 THE COURT: You may approach.

24 (WHEREUPON, a bench conference was held off the
25 record in the presence of the jury, but out of the

1 hearing of the jury.)

2 THE COURT: Ladies and gentlemen of the jury, step
3 out to your room, please, just a few minutes.

4 (WHEREUPON, the jury panel was excused from the
5 courtroom at 5:27 p.m.)

6 THE COURT: All right. Okay. Court reporter is
7 getting all of this, but the concern of the Defense is in
8 Court identification. Since this is a retrial in previous
9 times, I understand from counsel, that the witness has
10 testified to this.

11 You need to go ahead and get a foundation laid where
12 I can rule on it. We need to do that outside the presence
13 of the jury because of what I just stated about it being a
14 retrial and possible previous testimony. So anything else
15 you want to this witness, and then we get the objections
16 on the record?

17 MR. DANIEL: Very briefly.

18 BY MR. DANIEL:

19 Q. Ms. Alford, about how long do you think you were
20 sitting there at the school from the first time you saw
21 them walking up until the time that they ended up after
22 having passed several times and they left?

23 A. Thirty, 35 minutes.

24 Q. Okay. And for the -- would it be fair to say that
25 for the vast majority of the 30, 35 minutes you were able

1 to see them?

2 A. Yes, sir.

3 Q. And, again, that was a clear vision you had, right?

4 It wasn't a -- it was a chain link fence that you can see
5 through, right?

6 A. Yes, sir.

7 Q. And it was sunny outside?

8 A. Yes, sir.

9 Q. And would it be fair to say that the distance between
10 where you were sitting and the road where they were was
11 about 50 feet?

12 A. Yes.

13 Q. Okay.

14 MR. DANIEL: I think that's all I would need to put
15 on the record at this time.

16 MR. BROOKER: Your Honor, we make an objection to --
17 based upon this particular grounds is that, obviously, is
18 that we have not had a chance to pull the research on
19 this. But, obviously, you know, there is tons of research
20 or tons of cases out there that deal with in Court
21 identifications.

22 And specifically is that what's the big concern with
23 in Court identifications are is that in Court
24 identifications are particularly prejudicial because they
25 are, you know, suggestive, you know, of who this defendant

1 is. Is that it is completely different from the situation
2 where there is an out of Court identification where Mr.
3 Inman is put in a lineup other either put in a photo
4 lineup with some individuals. And that individual witness
5 or asked -- is asked to look at those photographs and to
6 make a determination as to whether or not she can pick out
7 the person or identify the person that she believes that
8 she saw on a particular day.

9 And although that she testifies, you know, that she
10 saw these young boys that she was not familiar with
11 walking back and forth for 30, 35 minutes is that we all
12 know, and Your Honor, I think is that your kind of
13 matters, you know, of legal knowledge here is that one of
14 the most least credible forms of information that's often
15 presented in Court, and that is identification.

16 Is that people often make determinations and make
17 mistakes based on identification because there are
18 similarities, you know, between various persons. And
19 that's one of the reasons why in order to take out the
20 prejudice, in order to make sure that this person actually
21 knew and can actually pick out the specific person that
22 she thinks she saw is that normally it's done prior to
23 Court through some sort of photo lineup.

24 And I've seen tons of these done where people have
25 said, "Well, I saw the defendant," and then they ended up

1 picking out the wrong person in the photo lineup. So when
2 shes make an identification, an in Court identification,
3 of course, it is the easiest form of identification to
4 make because there is only one person who sits at that
5 defendant table.

6 And my understanding is that, you know, that during
7 if course of the investigation of this case I think at the
8 time in which she talked with law enforcement that shortly
9 after this particular incident that no one in that
10 particular period of time sought to present the photo
11 lineup for her to take a look at. So it would not be, you
12 know, suggestive, you know, and would not be prejudiced.
13 And where we would know specifically is that the person
14 that she believes that she saw is actually Damian Inman.

15 But under this particular circumstances it is
16 absolutely subjective. It's almost like shooting fish in
17 a barrel. Thank you, Your Honor.

18 THE COURT: Well, I appreciate y'all's statements on
19 the record, but I'm going to allow this testimony. I mean
20 it's not like a situation where there is nothing else out
21 there to rest your laurels on. There has already been a
22 statement introduced. Of course, I would only assume that
23 something is coming on later, but that would not be proper
24 for me to consider that at this time.

25 But, anyway, your objection is overruled. You may

1 proceed, Solicitor.

2 (WHEREUPON, the jury panel enters the courtroom at
3 5:34 p.m.)

4 THE COURT: All right. Solicitor.

5 MR. DANIEL: Thank you, Judge.

6 BY MR. DANIEL:

7 Q. Ms. Alford, just a couple more. As we were saying
8 before about how long do you think you were sitting there
9 while -- from the first time you saw the guys walking down
10 the street until they walked away for good? About how
11 long do you think that was?

12 A. Thirty, 35 minutes.

13 Q. And for those 30, 35 minutes I think your testimony
14 is that you were paying pretty close attention to people
15 walking near your car?

16 A. Yes, sir.

17 Q. Okay. And do you see any of those three in the
18 courtroom today?

19 A. Yes.

20 Q. Can you point to who you see?

21 A. Yes, sir.

22 MR. DANIEL: Please let the record reflect that the
23 witness has pointed out the Defendant, Damian Inman.

24 BY MR. DANIEL:

25 Q. Now, is there any doubt in your mind, is there any

1 doubt whatsoever that Damian Inman, the man that you just
2 pointed to, is one of the persons that you saw walking in
3 front of the school?

4 A. No doubt.

5 Q. Thank you. Ms. Alford, please answer any questions
6 the Defense may have.

7 CROSS-EXAMINATION

8 BY MR. BROOKER:

9 Q. Just -- is that Ms. Alford?

10 A. Yes.

11 Q. I just like to make sure I got that correct. Ms.
12 Alford, just very quickly. You said that you saw them
13 when you were about to get off of work?

14 A. Yes, sir.

15 Q. Okay. and about what time was that again?

16 A. Between 6:30 and 7:00.

17 Q. And this would have been -- and I think you said you
18 saw them because your car was parked outside of the fence?

19 A. Yes.

20 Q. And I think your testimony was is that you saw them
21 walk I think across the path of the school or walk past
22 the school?

23 A. Yes.

24 Q. I think they walked then in the opposite direction?

25 A. Yes.

1 Q. And then, of course, they then walked past the school
2 again. And then, of course, they walked in the opposite
3 direction away from Stutts' home?

4 A. Yes.

5 Q. And that's the last time that you saw them?

6 A. Yes.

7 Q. Okay. All right. Now, were you a witness -- were
8 you present when Ms. Stutts was abducted?

9 A. No, sir.

10 Q. Okay. All right. And because you were not present
11 when Ms. Stutts was abducted you're not an eyewitness
12 to -- you're not an eyewitness to what occurred during her
13 abduction; is that correct?

14 A. No, sir.

15 Q. And because you were not an eyewitness during her
16 abduction you're not trying to tell the jury that you
17 could tell them as an eyewitness what role if any Damian
18 Inman played in that abduction; is that correct?

19 A. No, sir.

20 Q. Were you present when, Ms. Stutts, you know, was
21 murdered?

22 A. No, sir.

23 Q. Okay. And because you were not present when
24 Ms. Stutts was murdered you were not an eyewitness to
25 those events?

1 A. No, sir.

2 Q. Okay. And because you were not an eyewitness to
3 those events you would agree with me that you're in no
4 position to try and tell the jury what if any Mr. Inman's
5 -- what if any Mr. Inman's involvement was? In Ms.
6 Stutts' murder?

7 A. No, sir.

8 Q. Okay. My understanding is that your testified is
9 that you said you saw these boys walking back and forth
10 past the schoolhouse?

11 A. Yes, sir.

12 Q. Okay. All right. Now, and just to make sure is that
13 it -- is that all you know?

14 A. Yes, sir.

15 Q. Okay.

16 MR. BROOKER: I've got no further questions for this
17 witness, your Honor.

18 MR. DANIEL: No redirect.

19 THE COURT: You may step down. All right. Ten
20 o'clock in the morning.

21 MR. DANIEL: Yes, sir.

22 MR. BROOKER: Yes, sir.

23 THE COURT: All right. We're going to stop for the
24 evening, and it sounds like we all might get wet. But
25 it's good to see the rain.

1 MR. DANIEL: Judge, just so everybody will know. I
2 think we've probably got a couple, maybe three more. So
3 we shouldn't -- we should be done by tomorrow with our
4 case.

5 THE COURT: So I need you back here at ten o'clock.
6 Few minutes before. We will try to stay on schedule.
7 Thank you for your patience. We ran over a little bit,
8 but not too bad off. We usually try to stop by 5:00 or
9 5:30.

10 Remember, don't discuss the case with anyone. Avoid
11 any press coverage, and y'all have a good evening and
12 we'll see you back tomorrow morning. Everybody else
13 remain in the courtroom while the jury departs.

14 (WHEREUPON, the jury panel was excused from the
15 courtroom at 5:40 p.m.)

16 END OF TRANSCRIPT OF RECORD
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STATE OF SOUTH CAROLINA)

COUNTY OF DILLON)

COURT OF GENERAL SESSION

2009-GS-17-01210

2009-GS-17-01212

STATE OF SOUTH CAROLINA)

PLAINTIFF)

vs.)

DAMIAN INMAN)

DEFENDANT)

TRANSCRIPT OF RECORD

Tuesday, June 10, 2015

June 8-10, 2015

Dillon, South Carolina

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE; and a jury.

A P P E A R A N C E S:

WILLIAM SHIPP DANIEL III, ASSISTANT SOLICITOR
Attorney for the StateKERNARD REDMOND, DEPUTY SOLICITOR
Attorney for the StateTHURMOND BROOKER, ESQUIRE
Attorney for the Defendant

SANDRA COVINGTON,

MARTHA ANN JACOBS,

1 JUROR: No.

2 THE COURT: Thank you.

3 MR. BROOKER: That's all. Thank you, sir. That was
4 a bench conference held at the court reporter's bench.

5 THE COURT: All right. Bring them back in.

6 (WHEREUPON, the jury panel enters the courtroom at
7 10:38 a.m.)

8 THE COURT: All right. Solicitor, you may call the
9 next witness.

10 MR. REDMOND: Thank you, Your Honor. May it please
11 the Court. The State next calls Sandra Covington
12 Thompson, I believe.

13 SANDRA COVINGTON THOMPSON, after being duly
14 sworn, testified as follows:

15 CLERK OF COURT: State your full name for the Court
16 spelling your last.

17 THE WITNESS: Sandra Covington Thompson. Thompson is
18 T-H-O-M-P-S-O-N.

19 DIRECT EXAMINATION

20 BY MR. REDMOND:

21 Q. And, Ms. Thompson, let me just ask you. Are you
22 related to John Henry Bridges?

23 A. Yes, sir.

24 Q. And what is that relationship?

25 A. My nephew.

1 Q. Now, are you aware that your nephew was one of the
2 people charged with the crime against Ms. Mary Alice
3 Stutts?

4 A. Yes, sir.

5 Q. And did you actually see John Henry Bridges the night
6 before he was arrested?

7 A. Yes, sir.

8 Q. Okay. Now, let me ask you this. Did John Henry
9 Bridges come to your house?

10 A. Yes, sir, he did.

11 Q. And could you tell us what the circumstances were
12 once he got to your house? What took place without saying
13 anything that he said.

14 A. People ---

15 Q. In other words, what happened. We don't want to get
16 into hearsay so don't say anything that John Henry, but
17 what took place that night?

18 A. He came to my house. He asked if he could talk to
19 me, and I put him out.

20 Q. Okay. And about how long was he there?

21 A. No more than about ten minutes. Probably about ten
22 minute.

23 Q. Now, did he end up getting a glass of water at that
24 time?

25 A. Yes, he did.

1 Q. And is that the reason that was given why he was
2 there to the best of your recollection?

3 A. Yes, sir.

4 Q. Okay. Now, and three key points you saw. Did you
5 see -- let me ask you this. When you saw him out there
6 was there anybody else that you saw when he came to your
7 house?

8 A. No, sir. He came in. He don't come in. He the only
9 one that came in my house. He came up in a car.

10 Q. Obviously, came in a car?

11 A. Right.

12 Q. What kind of car?

13 A. A white four door car. Name of it, I don't know.

14 Q. Okay. It was a white four car?

15 A. Yes, sir.

16 Q. Okay. Now, do you recall how many people?

17 A. There were two people in the car.

18 Q. And do you recall or did you see any of the people in
19 the car?

20 A. Yes, I did.

21 Q. Okay. Did you look out the window at some point?

22 A. Yes, I did.

23 Q. And do you see any of the people in the car today?

24 A. Yes, sir.

25 MR. BROOKER: Your Honor, for purposes of the record,

1 Your Honor, is that can we approach? Same issue we did

2 ---

3 MR. REDMOND: I don't think we need to do that. I
4 can give you some background.

5 BY MR. REDMOND:

6 Q. Let me go back, and I'll just ask you point blank.
7 Do you know Damian Inman?

8 A. Just from the streets. That's it.

9 Q. And had you seen him before that night? Had you seen
10 Damian Inman before that night as you said?

11 A. No.

12 Q. Let me ask you like this. When I say did you know
13 him did you know him before the night that you saw John
14 Henry Bridges?

15 A. Yes, I did know him from the streets before this
16 happen.

17 Q. Okay. Thank you. Just to clarify. And with that if
18 you were to see him, I guess, if you just see him around
19 would you be able to identify him?

20 A. Yes, I can.

21 Q. And, now, getting back to my question as to who you
22 saw in the car. Did you see -- get a good look at both
23 people in the car?

24 A. I recognize the driver because the car was parked so
25 close to the window. I knew it was two people in the car.

1 Q. Okay. Did you -- were you able to identify the
2 driver?

3 A. Yes, sir.

4 Q. And who was the driver?

5 A. The one sitting over here.

6 MR. REDMOND: Okay. Your Honor, the record would
7 reflect that Ms. Thompson has identified the defendant as
8 the driver of the white car that she saw.

9 MR. BROOKER: And just for the record, Your Honor, is
10 that we would make an objection, and of course, so we
11 don't have to remove the jury is that I think there is
12 reference to courtroom identification that we previously
13 discussed.

14 If there is no reference to another witness we would
15 reassert the same objection and argument that we made in
16 reference to that witness would also apply to this
17 particular witness and assert with this particular
18 objection.

19 THE COURT: So noted. I will overrule that based on
20 what's before the Court.

21 MR. REDMOND: Thank you, Your Honor.

22 BY MR. REDMOND:

23 Q. Now, and you said that you told John Henry Bridges to
24 leave?

25 A. Yes, sir.

1 Q. And you said that he was only there about ten
2 minutes?

3 A. Yes, sir.

4 Q. Okay. And did you see when they pulled off and left?

5 A. Yes, sir, I did.

6 Q. And who was the driver when they pulled up?

7 A. The Defendant. Him.

8 Q. Okay. And did you see which seat Mr. Bridges, your
9 nephew ---

10 A. The front seat, passenger side.

11 Q. Oh, and in 2004, just to make the record clear, in
12 2004, back in 2004, five years before this incident, did
13 you get convicted of distribution of I guess crack cocaine
14 charge here in Dillon County?

15 A. Yes, sir.

16 Q. Okay. And, however, does that in any way have
17 anything to do with your testimony here today?

18 A. No, sir.

19 Q. Does it have anything to do with the truthfulness of
20 your testimony today?

21 A. No, sir.

22 Q. Will that be all the questions I have at this time.
23 Answer, please, any questions that Mr. Brooker may have.

24 MR. BROOKER: Indulge me just a second, Your Honor?

25 THE COURT: Yes, sir.

1 MR. BROOKER: Mr. Redmond, Your Honor.

2 CROSS-EXAMINATION

3 MR. BROOKER: I apologize. Is it -- I wrote your
4 name down. It's Thompson, is it not?

5 A. Yes, sir.

6 Q. Okay. Let me ask you just a few questions very
7 briefly, Ms. Thompson?

8 A. Yes, sir.

9 Q. And I'll ask you the same questions, and it's not
10 being facetious or anything like that. I'll ask you the
11 same questions I've asked every witness that's gotten on
12 the stand. The abduction of Ms. Stutts, were you present
13 at the time in which Ms. Stutts was abducted?

14 A. No, sir.

15 Q. And because you were not present at the time in which
16 Ms. Stutts was abducted you're not an eye witness to that
17 abduction?

18 A. No, sir.

19 Q. And because you were not an eye witness you have no
20 eye witness testimony in reference to Damian Inman's
21 involvement if any in reference to the abduction of Ms.
22 Stutts?

23 A. No, sir.

24 Q. Okay. Were you present at the time in which
25 Ms. Stutts was murdered?

1 A. No, sir.

2 Q. Okay. And so you're not an eye witness to

3 Ms. Stutts' murder, are you?

4 A. No, sir, I'm not.

5 Q. And because you were not an eye witness to Ms.

6 Stutts' murder you're not here to testify to the jury as

7 an eye witness with respect to what Mr. Damian Inman's

8 involvement if any in this was ---

9 A. No, sir.

10 Q. --- in Ms. Stutts' murder?

11 A. No, sir.

12 Q. Okay. All right. Now, you testified that you saw

13 them; that John Henry's cousin?

14 A. No, sir, he's my nephew.

15 Q. He's your nephew. I apologize. He's your nephew,

16 and that he and two other boys came by the house in a

17 white car?

18 A. Yes, they did.

19 Q. Okay. And you testified that you know Damian Inman?

20 A. Yes, I did.

21 Q. Okay. Do you know Damian's brother?

22 A. Just from the streets. That's all I know. Just from

23 the streets.

24 Q. Okay.

25 A. Nothing personal.

1 Q. Okay. And the reason why I'm asking you that is that
2 could you give a general description of what Damian's
3 brother looked like at that particular period of time.
4 What was his ---

5 A. I can't give you a description.

6 Q. Okay. What was his hairstyle?

7 A. Excuse me?

8 Q. The night that you said you saw him what was his
9 hair?

10 A. It was kind of maybe short cut. Not like not long,
11 long hair style.

12 Q. Yes, ma'am. Okay.

13 A. It was long like it is now.

14 Q. And was this at night?

15 A. Yes, it was.

16 Q. Were they in the car?

17 A. Yes. They had a light on in the car.

18 Q. Okay. And what -- could you go on. I know you said
19 and you said I think you said

20 A. It wasn't long, long hair. I don't know what kind of
21 hair you want me to describe him to you, but it wasn't
22 long like it is now. I know it wasn't like that.

23 Q. Okay. I'm asking about Lorenzo?

24 A. You said, 'Lorenzo'. I don't know who Lorenzo is.

25 Q. Okay. Okay. And that's what I was asking you is

1 that do you know Lorenzo Inman? John [sic] Inman's
2 brother is what I'm asking.

3 A. See, by the streets they call him something else.
4 They don't call people by their government name in the
5 streets.

6 Q. Okay.

7 A. I just know them from walking the streets, seeing
8 them on the corner. Just like what.

9 Q. Do you know his brother?

10 A. From the streets just like I said, but not by his
11 personal name. That's what I'm trying to tell you.

12 Q. Yes, ma'am. I understand that. I understand, and
13 that's why I'm not asking you about his personal name?

14 A. Okay.

15 Q. I'm not going to ask you about his personal name.

16 A. Okay.

17 Q. I'm going to ask you the same question that I was
18 asking you before.

19 A. I just know them from the street.

20 Q. Yes, ma'am. I understand that. My question is that
21 from what you know of Damian's brother from the streets
22 could you give us a description of him at that time that
23 night?

24 A. No, I can't.

25 Q. Okay. Do you know what his hairstyle -- his brother,

1 Damian's brother?

2 A. No, I don't know. I only know what his hairstyle was
3 when I know saw him drive that car.

4 Q. Do you know whether or not they have the same
5 hairstyle?

6 A. I can't answer that cause I don't really know.

7 Q. And so -- and the reason that I'm asking you that is
8 that is it possible, is it possible that you saw Damian's
9 brother in the driver's seat as opposed to Damien?

10 A. No, I know who I saw in the driver's seat.

11 Q. You know who you saw? Did you give a description --
12 did you give any statements to law enforcement at any
13 time?

14 A. Yes, I did.

15 Q. Other than today?

16 A. Yes, I did.

17 Q. Nothing. There is a written statement you gave to
18 law enforcement?

19 A. Excuse me?

20 Q. Did you give a written statement to law enforcement?

21 A. Yes, sir, I did.

22 Q. Okay. Are you sure you gave a written statement to
23 law enforcement?

24 A. A written statement? I just told them what I knew
25 cause I was in jail. I didn't wrote no statement.

1 Q. I'm sorry? Say that again?

2 A. I didn't write no statement. I was in jail. They
3 came at me. That's what you asked me.

4 Q. Okay. You were in jail when they came at you?

5 A. Yes.

6 Q. Okay.

7 MR. REDMOND: Beg the Court's indulgence.

8 MR. BROOKER: If you can indulge me just one second,
9 Your Honor. I'll see if I have any further questions for
10 this witness.

11 BY MR. BROOKER:

12 Q. Just one brief question is that you said that, and
13 obviously, there maybe some confusion, but you said at the
14 time they came for you you were in jail?

15 A. Yes, sir.

16 Q. Okay. And do you remember who came for you?

17 A. No, I don't.

18 Q. Okay?

19 A. A lawyer if I'm not mistaken. The lawyer. I don't
20 know her name.

21 Q. Okay. It was a lawyer, but not law enforcement?

22 A. No, it was a lawyer. Ms. Something, but I can't
23 remember her name.

24 Q. Okay. Okay.

25 MR. BROOKER: No further questions, Your Honor.

1 MR. REDMOND: Redirect, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. REDMOND:

4 Q. First, I'm going to ask you something, Ms. Thompson,
5 that I didn't get into. Do you remember about what time
6 it was that you saw the Defendant? If you do the best you
7 can remember about what time you saw the Defendant in the
8 car?

9 A. About 10:00. To the best of my knowledge 10:00 or a
10 little after 10:00 at night.

11 Q. All right. And just to clear that up, but here is
12 the more important thing I need to get into. You were
13 asked about giving a previous statement, and I understand
14 and you can correct me, that initially you told a female
15 attorney; is that correct?

16 A. A female who?

17 Q. A female attorney?

18 A. Yes. She came to talk. I can't think of her name.

19 Q. Would it be Rosaline Sellers?

20 A. It could be.

21 Q. Defendant's prior attorney?

22 A. Correct. Yes, sir.

23 Q. So and let me ask you like this. Did you tell
24 anybody on the State's side, be it law enforcement or the
25 prosecution, about what you saw initially?

1 A. Yes, I did.

2 Q. But were we the first ones you told or did you tell
3 the Defendant's attorney what you saw first? When I say,
4 'the defendant's attorney', his prior attorney, Rosalyn.

5 A. Yes.

6 A. Okay. Just to be clear ---

7 A. Yes, sir.

8 Q. --- Rosalyn Sellers was the Defendant's prior
9 attorney?

10 A. Yes, sir. She came to ---

11 Q. Was she the person that came to the jail?

12 A. Yes, she was.

13 Q. And was she the first person that you told about what
14 you testified to?

15 A. Yes. To the best of my knowledge, yes, sir.

16 Q. Okay.

17 MR. REDMOND: That will be all the questions that I
18 have.

19 MR. BROOKER: I have no recross, Your Honor.

20 THE COURT: Thank you. You may step down.

21 MR. REDMOND: State would next call Ms. Martha Ann
22 Jacobs and also would ask that the witness be excused if
23 she so desires.

24 THE COURT: Any objection?

25 MR. BROOKER: No objection, Your Honor.

1 THE COURT: Witness is excused.

2 MARTHA ANN JACOBS, after being duly sworn,
3 testified as follows:

4 CLERK OF COURT: Be seated and state your full name
5 for the Court spelling your last.

6 THE WITNESS: My name is Martha Ann Jacobs.
7 J-A-C-O-B-S.

8 DIRECT EXAMINATION

9 BY MR. REDMOND:

10 Q. And, Ms. Jacobs, and I usually call you Ann, so if
11 you don't mind.

12 A. No.

13 Q. I'll refer to you as Ann. During -- did you give a
14 statement back in -- on the 19th of August of 2009
15 regarding this case?

16 A. Yes, I did.

17 Q. And at that particular time did you -- where do you
18 live now? You live in Little Rock?

19 A. No. I stay in Hamer.

20 Q. In Hamer. Now during that time had you previously
21 lived it was is referred to as the Mill Hill Section of
22 Dillon?

23 A. No, my sister stays over there.

24 Q. Did you go over there frequently?

25 A. Every day.

1 Q. And as a result of going in that neighborhood did you
2 know the Defendant?

3 A. Yes, sir, I did.

4 Q. Did he live in that neighborhood?

5 A. He lives around the corner, so I guess it would still
6 be in the neighborhood.

7 Q. He lived in that general area?

8 A. Yes.

9 Q. Did you know him? Did you know the Defendant?

10 A. I knew of him. I never talked to him.

11 Q. But did you know him, I guess, whenever you saw him
12 you knew who it was?

13 A. Yes, sir.

14 Q. And was he friends, I believe, with your son.
15 Dustin?

16 A. Yes, sir, he was.

17 Q. Now, getting into the reason you gave a statement did
18 you see this defendant or did you see all of the
19 defendants on the night of the 17th of August of 2009?

20 A. Yes, I did.

21 Q. Now, could you tell us the circumstances of that
22 encounter?

23 A. Well, we were all standing at a friend's house.

24 Q. Before I start about what time was it so I won't
25 forget this time?

1 A. It had to be around 11:00.

2 Q. Okay, and why is that?

3 A. Because my son was working at KFC and he got off at
4 10:00. He had to clean up, and I went and picked him up
5 and came back.

6 Q. All right. So now it's around eleven o'clock?

7 A. Yes, sir.

8 Q. So please continue?

9 A. We were all standing at a friend of our's house in
10 the community, and they walked up to where we were.

11 Q. Okay. And when you say, 'they walked up' who are you
12 referring to?

13 A. Damian, his brother and another young man. I didn't
14 know the other guy.

15 Q. Okay. And, of course, this is at night. KFC doesn't
16 close at ten o'clock in the morning?

17 A. Right.

18 Q. So who again -- tell me who again that you saw come
19 up?

20 A. I seen Damian, which I don't know him as Damian.

21 Q. How do you know him?

22 A. Tweet.

23 Q. All right?

24 A. I seen Tweet, Russell and another boy walk up.

25 Q. But you knew -- and who is Russell?

1 A. His brother.

2 Q. Okay. would that be Lorenzo Inman?

3 A. Yeah.

4 Q. But you knew him as Russell?

5 A. Right.

6 Q. So you knew Tweet, the defendant, and Russell, his
7 brother. The other gentleman?

8 A. I had never seen him before.

9 Q. Okay. And so when you saw them tell us what took
10 place during the time that you saw them?

11 A. Nothing. I mean they walked up to where we were. We
12 were all standing around talking and they came up and
13 started talking to the other kids that were there.

14 Q. Okay. But other -- okay. Go ahead.

15 A. That was basically it. I mean.

16 Q. Did you observe anything out of the ordinary -- were
17 they acting out of the ordinary based on what you had
18 seen?

19 A. None of them. No.

20 MR. REDMOND: Did there appear to be any ---

21 MR. BROOKER: Objection, Your Honor. Unless they lay
22 a proper foundation in reference to what is out of the
23 ordinary at least for my client?

24 MR. REDMOND: I can rephrase it.

25 THE COURT: All right.

1 THE WITNESS: How long had you said -- about how long
2 had you known the Defendant before this incident?

3 A. Maybe two years.

4 Q. Okay. And when we talk about acting normally did --
5 well, let me ask you like this. Based on having known him
6 for two years, having seen him for two years, have you
7 seen -- was there anything about him that night that was
8 different than the other times during the two years that
9 you had encountered him?

10 A. None.

11 Q. Did he appear to be in any kind of distress?

12 A. No.

13 Q. Did he appear to be scared or worried about
14 something?

15 A. No.

16 MR. BROOKER: Your Honor, objection. Calls for
17 speculation. She can give a general description of what
18 she observed physically.

19 MR. REDMOND: I think the rules, if I may, Your
20 Honor, the rules actually allow for a person to give what
21 impression they have as it relates to an individual's
22 level of fear, anger, things like that. This witness can
23 testify to if the foundation is laid, and we submit that
24 we have laid the foundation.

25 THE COURT: Yes. Asked and answer. Let's move on.

1 MR. REDMOND: Thank you, Judge.

2 BY MR. REDMOND:

3 Q. Now, about how long did you see them out there that
4 night?

5 A. Maybe 10, 15 minutes.

6 Q. Okay. And during that time was there anything that
7 seemed out of the ordinary?

8 A. No.

9 Q. The next day did you become aware of the incident
10 that occurred with Ms. Stutts?

11 A. Yes.

12 Q. And at that time did you gave a statement, I guess,
13 about seven o'clock in the evening to law enforcement
14 about what you saw?

15 A. Yes.

16 MR. REDMOND: Beg the Court's indulgence.

17 BY MR. REDMOND:

18 Q. That's all the questions I have. Please answer any
19 questions that Mr. Brooker may have.

20 MR. BROOKER: Thank you, Your Honor. And I'll be
21 very brief.

22 CROSS-EXAMINATION

23 BY MR. BROOKER:

24 Q. Ms. Jacobs, and I'll start off by asking you the
25 exact same questions that I asked every witness. Now,

1 were you present at the time of Ms. Stutts' abduction?

2 A. No.

3 Q. Okay. So you was not a witness to Ms. Stutts'
4 abduction?

5 A. No.

6 Q. And because you were not a witness to Ms. Stutts'
7 abduction you're not trying to tell this jury what
8 happened at the time of Ms. Stutts's abduction as a
9 witness; is that correct?

10 A. No.

11 Q. And because you can't testify as a witness to Ms.
12 Stutts' abduction you're not testifying with respect to
13 Damian Inman's alleged involvement, whatever that was ---

14 A. Right.

15 Q. --- with respect to Ms. Stutts' abduction; is that
16 correct?

17 A. Yes.

18 Q. Were you present at the time of Ms. Stutts' murder?

19 A. No.

20 Q. Okay. So you were not an eye witness to Ms. Stutts'
21 murder?

22 A. No.

23 Q. And because you were not an eye witness to Ms.
24 Stutts' murder you're not trying to tell this jury that
25 you have some testimony regarding Damian Inman's

1 participation, whatever that may have been, regarding
2 Ms. Stutts' murder?

3 A. No, I'm not.

4 Q. Okay. All right.

5 MR. BROOKER: If you can indulge me for just a
6 second, Your Honor. Let me make sure I don't have any
7 more questions for her.

8 BY MR. BROOKER:

9 Q. And I'll just do this briefly. You were asking
10 questions in reference to -- I think you were asked in
11 direct examination questions in reference to Mr. Inman's
12 psychological state, put it that way, on direct
13 examination. You remember that?

14 A. Yes, sir.

15 Q. Okay. And you don't have a degree that qualifies you
16 to psychoanalyze people, do you?

17 A. No.

18 Q. Okay. So you were giving a layman's impression?

19 A. Yes.

20 Q. Okay?

21 MR. BROOKER: No further questions.

22 MR. REDMOND: Briefly.

23 REDIRECT EXAMINATION

24 BY MR. REDMOND:

25 Q. Based on the last questions that you were asked --

1 well let me go back and clarify something. Did you ever
2 see them with the white car that night?

3 A. No.

4 Q. So were they walking?

5 A. They were walking.

6 Q. So just to be clear was the Defendant, his brother,
7 Russell, and the third guy that you don't know, were they
8 all walking ---

9 A. Yes.

10 Q. --- when you saw them?

11 A. Yes.

12 Q. And, again, and then that kind of segways into what
13 counsel asked you in his last question. Can you at least
14 tell if somebody is mad? If they're mad about something?

15 A. Yes.

16 Q. Can you tell, even though you don't have a psychology
17 degree, can you tell if somebody is upset or nervous or
18 scared even?

19 A. Yes.

20 Q. Have you seen people in those states of emotion?

21 A. Yes.

22 Q. Did the Defendant appear in any of those states of
23 emotion?

24 A. No.

25 MR. REDMOND: That will be all the questions that I

1 have, Your Honor.

2 MR. BROOKER: We have no recross, Your Honor.

3 THE COURT: You may step down. Thank you.

4 MR. REDMOND: And, Your Honor, same thing. We'd ask
5 that this witness be excused if she so desires.

6 MR. BROOKER: Without objection, Your Honor.

7 THE COURT: Witness is excused.

8 MR. REDMOND: Jasmine Mearite will be our next
9 witness, Your Honor.

10 THE COURT: Come around and be sworn, please.

11 JASMINE MEARITE, after being duly sworn,
12 testified as follows:

13 CLERK OF COURT: Be seated. State your full name for
14 the Court spelling your last.

15 THE WITNESS: Jasmine Mearite. M-E-A-R-I-T-E.

16 DIRECT EXAMINATION

17 BY MR. REDMOND:

18 Q. And, Ms. Mearite, excuse me. Do you -- did you live
19 out in the Mill Hill Area of Dillon?

20 A. Yes, sir.

21 Q. Do you still reside out there?

22 A. No, sir.

23 Q. Okay. But did you back in August of 19 -- excuse me.
24 August of 2009?

25 A. Yes.

1 Q. Now, going directly to the Defendant, do you know the
2 Defendant?

3 A. Yes.

4 Q. And how long had you known the Defendant?

5 A. Basically all my life.

6 Q. Okay. Did he live nearby?

7 A. Yes.

8 Q. Okay. Would it be fair to say that that was his
9 neighborhood that he was familiar with?

10 A. Yes.

11 Q. Okay. Now, did you give a statement on the 18th of
12 August to law enforcement about six o'clock in the
13 evening? On the 18th of August?

14 A. Yes.

15 Q. Okay. And was that statement regarding events that
16 you observed on the night of the 17th of August, the night
17 before?

18 A. Yes.

19 Q. Okay. Now, how many times -- well, did you see the
20 defendant that night?

21 A. Yes.

22 Q. Okay. Did you see his brother, Russell? I guess,
23 Lorenzo Inman? Russell?

24 A. Yes, sir.

25 Q. And did you see a third individual there?

1 A. Yes.

2 Q. Did you know him?

3 A. I didn't know him.

4 Q. Okay. The third person, did you know him?

5 A. No, I didn't know him.

6 Q. Now, how many times did you see them that night?

7 A. Just two times.

8 Q. Okay. And tell us about the first time. About what

9 time was it the first time that you saw them?

10 A. Well, the first time it was probably around 8:30 or

11 9:00 ---

12 Q. Okay.

13 A. --- the first time they came by.

14 Q. And when they came by was there something -- did

15 you -- how were they -- how did they get to where you

16 were?

17 A. It was in a white car, white Toyota. They came up

18 and they asked if we wanted to go riding. We asked where

19 they get the car from.

20 MR. BROOKER: Your Honor, for purposes of the record

21 it's hearsay unless that person is going to testify.

22 BY MR. REDMOND:

23 Q. Well, I'll just say this. Anything that the

24 Defendant said -- so in other words limit your testimony

25 to anything the Defendant said?

1 A. All right.

2 Q. But let me back up for a second. Who else was out
3 there with you?

4 A. On the porch with us when they came up?

5 Q. Yes, when they came up.

6 A. Me and three of my girls.

7 Q. And let me ask you this. When they came up did the
8 Defendant ask -- did he say anything that you recall?

9 A. No.

10 Q. Okay. You've known him all your life. Despite the
11 fact that he didn't say anything was he acting anywhere --
12 I mean was he acting in such a way that you thought
13 something was wrong?

14 A. Uh huh.

15 Q. Yes, or no? Please answer yes or no.

16 A. No, sir.

17 Q. Now, when you saw them do you recall what -- where
18 was he at in the car by the way?

19 A. He was sitting in the back seat.

20 Q. So at that time he was sitting in the back seat. Do
21 you remember who was driving?

22 A. Yes.

23 Q. Who was driving?

24 A. His brother.

25 Q. Okay. So his Russell, his brother, was driving the

1 car. Okay, but where was the third individual?

2 A. On the passenger side.

3 Q. Okay. Third individual on the passenger side. So
4 the Defendant was in the backseat when you saw him?

5 A. Yes.

6 Q. Now, do you recall what he was doing?

7 A. Looked like he was wiping out a C.D. or something. I
8 mean I can see the reflection off the light.

9 Q. And who did most of the talking? Without saying what
10 was said who did most of the talking when y'all
11 encountered him?

12 A. His brother.

13 Q. Would that be Russell?

14 A. Yes.

15 Q. So tell us what took place then. Did they stay a
16 long time? About how long was it that they stayed at that
17 time?

18 A. They stayed a good 30 minutes, and they dipped.

19 Q. When you say, 'they dipped', they left?

20 A. They left.

21 Q. I understand. All right. From an earlier life I
22 understand. Moving on. So did you see them again that
23 night?

24 A. Yes, sir.

25 Q. And what -- tell us about that. Do you remember

1 about what time it was when you saw them this next time?

2 A. It was about 10:30, 11:00.

3 Q. Why is the time -- why are you pretty sure it was
4 that time?

5 A. Because like the next other woman, my ex-brother in
6 law, my boyfriend was just getting off from work, and we
7 had just picked him up and went back to Mill Hill.

8 Q. You mean Ann Jacobs' son?

9 A. Yes.

10 Q. Justin?

11 A. Justin.

12 Q. So, again, continue?

13 A. Okay. And when we went to pick him up he came -- he
14 went back to Mill Hill. That's when they walked up. And
15 when they walked up that's when they clicked elbows when
16 they walked up and that was it.

17 Q. Let me go back a little bit on that particular
18 subject. This time did they have a car?

19 A. No, they didn't have a car.

20 Q. They came walking up?

21 A. Yeah, they came walking up.

22 Q. Now, at that time when you first got there, when you
23 first encountered them, they clicked elbows or whatever,
24 was there anything out of the ordinary cause when I say,
25 'anything out of the ordinary' was there anything that

1 struck you that there was something wrong or that the
2 Defendant was in some kind of trouble or something was
3 wrong?

4 A. No, sir.

5 Q. Did he act pretty normal based on your encounter with
6 him?

7 A. Yes, sir.

8 Q. And the second time, what -- so that clicked elbows
9 and what not, about how long did they stay that next time?

10 A. I'm saying about the same amount of time. About 25
11 minutes to an hour.

12 Q. Okay. And during that particular time what was going
13 on at the time. I guess just tell me what was going on at
14 that time?

15 A. Just standing around. Standing around. Just
16 talking, and that was it.

17 Q. Okay. Was anybody drinking?

18 A. Yes. I wasn't drinking.

19 Q. Including the Defendant?

20 A. Yes.

21 Q. Okay. So a normal night hanging out?

22 A. Yeah, just a normal night.

23 Q. And at that time that they left do you recall -- you
24 said they were there about 45 minutes to an hour. And
25 during that entire time up until the time they left was

1 there anything that appeared out of the ordinary?

2 A. No, sir.

3 Q. Did the Defendant appear to be in any kind of duress
4 or fearful of anybody?

5 A. No, sir.

6 Q. In particular, did he appear to be fearful of the
7 third guy you didn't know?

8 A. No, sir.

9 Q. Okay.

10 MR. REDMOND: Beg the Court's indulgence. That will
11 be all the questions I have.

12 BY MR. REDMOND:

13 Q. Please answer any questions that Mr. Brooker may
14 have.

15 MR. BROOKER: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. BROOKER:

18 Q. Ms. Mearite, am I'm pronouncing that right, Merit?

19 A. Ms. Mearite, yeah.

20 Q. All right. And, Ms. Mearite, I'm going to start off
21 asking you the same questions that I asked everybody. Not
22 going to be any different, but were you present at the
23 abduction of Ms. Stutts?

24 A. No, sir.

25 Q. Okay. And because you were not present at the

1 abduction of Ms. Stutts you're not an eye witness to
2 Ms. Stutts' abduction?

3 A. Yes, sir. No, sir. Eye witness? No.

4 Q. Okay. Just want to make sure. A because you were
5 not an eye witness to Ms. Stutts' abduction you're not
6 telling the jury that you have some direct knowledge with
7 respect to what if any Damian Inman's participation was in
8 Ms. Stutts' abduction?

9 A. No, sir.

10 Q. Okay. Were you present, Ms. Mearite, at the time of
11 Ms. Stutts' murder?

12 A. No, sir.

13 Q. Okay. And because you were not present at the time
14 of Ms. Stutts' murder you're not -- you were not an eye
15 witness to that?

16 A. I wasn't an eye witness to that.

17 Q. Yes, ma'am. You were not an eye witness to Ms.
18 Stutts' murder?

19 A. No, sir.

20 Q. And because you were not an eye witness you're not
21 trying to tell the jury that you have some sort of direct
22 knowledge with respect to what if any Damian Inman's
23 participation was in that murder was?

24 A. No, sir.

25 Q. Okay. Thank you. And I know that you talked

1 about -- you were asked some questions in reference to,
2 you know, your impressions of Damian Inman's behavior and
3 how he was behaving that night. And I'll just ask very
4 briefly is you don't have a degree that allows you to
5 psychoanalyze people, do you?

6 A. No.

7 Q. Okay. And did you psychoanalyze him that night?

8 A. No.

9 Q. Okay. And so when you were stating your impressions
10 you were giving a layman's impression; is that correct?

11 A. I was what?

12 Q. When you were stating your impression of what Damian
13 Inman's behavior was you were saying that as a lay person?
14 Not as some sort of expert; is that correct?

15 A. Yes.

16 Q. Okay. Now, I think you said that you never knew the
17 third boy?

18 A. No, I don't know him.

19 Q. Okay. And because -- have you ever met him before?

20 A. No, sir.

21 Q. And because you never met the third boy before do you
22 have any idea what the relationship was between Damian
23 Inman and the third boy?

24 A. I have no idea. I was asking myself that question.

25 Q. Okay. Okay. Okay. All right. So you wouldn't

1 know, you know, exactly what would be normal with respect
2 to the interaction between Damian Inman and the third boy,
3 would you not? You have to give a verbal answer.

4 A. No, sir.

5 Q. Okay.

6 MR. BROOKER: That's all the questions, Your Honor.

7 MR. REDMOND: Brief redirect.

8 REDIRECT EXAMINATION

9 BY MR. REDMOND:

10 Q. All right. Same question again. You may not have a
11 degree, but can you tell if somebody is mad about

12 something? Can you look at them and tell if somebody ---

13 A. Yeah, yeah, I can look at you and tell, but he didn't
14 look like he was mad that night. It was like a normal
15 night like he was happy. Or, you know, just ready to turn
16 up and go party.

17 MR. REDMOND: That's all the questions I have, Your
18 Honor.

19 MR. BROOKER: I have no redirect, Your Honor.

20 THE COURT: You may step down. May the witness be
21 excused?

22 MR. REDMOND: Yes. I'm sorry. Yes. Please, if the
23 Court would allow.

24 MR. BROOKER: I have no objection, Your Honor.

25 THE COURT: Witness is excused.

1 MR. DANIEL: Your Honor, the State recalls Detective
2 Turner

3 THE COURT: Still under oath.

4 JASON TURNER, after previously being duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. DANIEL:

8 Q. Detective Turner, you are being called for a very
9 limited purpose.

10 A. Yes, sir.

11 Q. How old at the time of the arrest was John Henry
12 Bridges?

13 A. John Henry was 16. I'm sorry. John Henry was 15.

14 Q. How old was the Defendant when he was arrested?

15 A. He was 17?

16 Q. And how old is his brother, Lorenzo or Russell, as we
17 have heard him called?

18 A. He was 18.

19 Q. Okay? Now, in the investigation of any crime,
20 particularly serious crimes, do you ever get calls from
21 inmates at the jail? They tell you they've got some
22 information that you might be interested in in your
23 investigation?

24 A. We do.

25 Q. And when you get calls like that do you always go to

1 the jail and take statements from people who say those
2 things?

3 A. We don't always take statements. We do go talk to
4 them to kind of see, measure, what their information is.
5 We don't always take statements from them, but we usually
6 do.

7 Q. Okay. What makes you decide whether or not you want
8 to take a statement from somebody like that or not?

9 A. What we do in each case is that we investigate,
10 especially in your major cases, we hold -- we withhold
11 information from the public. We withhold information from
12 the family. We actually withhold the information from
13 other law enforcement. In major cases like this case we
14 would have taken certain pieces of information and there
15 would have been two, three, maybe four people tops who
16 would have known certain specifics about the case.

17 Q. And so if somebody from the jail calls you and -- or
18 somehow contacts you, and knows some of this information
19 what does that mean for you?

20 A. That's how we gauge we need to believe the witness.
21 A lot of people in jail, they're just trying to figure out
22 a way to get out of jail, and we recognize that. But when
23 someone calls from the jail and they have specific
24 information that they shouldn't know, either they were at
25 the scene themselves or they talked to someone that was at

1 the scene. That's how we know we need to get a little
2 more validity to rate the call.

3 Q. In this case, in 2009, did law enforcement withhold
4 certain specifics of the crime that no one would have
5 known unless you were there like you just said or unless
6 you're one or two or three of the investigators that would
7 have known that information?

8 A. That's right.

9 Q. What's an example of two or three different things in
10 this case that nobody knew at that time? Nobody would
11 have known about it except, unless you were there or
12 unless you were a couple of your colleagues?

13 A. On this particular case we withheld -- I think it was
14 common knowledge that Ms. Stutts had gotten shot, but we
15 withheld the location, the specific location, where she
16 was shot at. We also withheld the information ---

17 Q. Wait a minute. I'm sorry to interrupt. When you
18 say, 'location' you mean?

19 A. The location on her face and head. Her specific
20 location on her head, her face and on her hip where she
21 was shot. We withheld the specific location points of --
22 contact points of being shot.

23 Q. But nobody knew that?

24 A. Right. We also withheld the number of shots. We
25 withheld the number of shots. We withheld the location of

1 the shots. We withheld the caliber of the handgun which
2 we recovered with a forensic in recover. We withheld the
3 caliber. We also withheld the fact that the water faucet
4 was turned on that morning. Ricky Lee had come up to me
5 during the investigation and said, "Jason, I don't know if
6 this is important or not" -- this was before we knew she
7 was in the car, got in the car chase. It was the first
8 thing in the morning they reported her missing.

9 Ricky walks up to me and says, "Jason, I don't know
10 if this is important, but the water faucet was on and
11 there is a tiny puddle. There is a puddle of water under
12 the spicket in the backyard."

13 I just simply made a note of it at that time, but it
14 ended up being part of the scheme, so it became important
15 later on. That information was also withheld.

16 Q. Okay. So in this case did you get a call from or did
17 somehow a guy named Eddie Boone contact you?

18 A. Yes, sir.

19 Q. And did he have information that he thought at that
20 time at least relevant to this case?

21 A. He did.

22 Q. Did you take a statement?

23 A. I did.

24 MR. DANIEL: I have no further questions.

25 BY MR. DANIEL:

1 Q. Mr. Turner, if you would answer any questions?

2 A. Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. BROOKER:

5 Q. Just very briefly?

6 A. Yes, sir.

7 Q. Detective Turner, prior to that particular day you,
8 did you ever know Eddie Boone or who he was?

9 A. I didn't, no, sir.

10 Q. Did your department know who he was?

11 A. My department did.

12 Q. Okay. And who in your department knew, and just for
13 purposes of the record when I say, 'at that particular
14 period of time' I'm talking about prior Eddie Boone
15 calling you?

16 A. Yes, sir.

17 Q. Okay. Did Eddie Boone have a relationship with your
18 department?

19 A. He did.

20 Q. Okay. And I said that you -- you said that you
21 didn't know him personally?

22 A. I didn't, no, sir.

23 Q. Did you know of him?

24 A. I knew of him. Yes, sir.

25 Q. Was that through your -- was that through your

1 department that you knew him?

2 A. Yes, sir.

3 Q. And when Eddie Boone called did he ask to speak with
4 you?

5 A. I'm not sure if he asked specifically to speak with
6 me.

7 Q. Now, tell me how does your department was aware of
8 Eddie Boone or was familiar with Eddie Boone?

9 A. He was familiar with Jamie Hamilton at the time.
10 Jamie Hamilton was one of the officers -- was one of the
11 investigators in our department.

12 Q. And did he work with Jamie Hamilton as a informant?

13 A. I'm not sure. I don't work narcotics. I work
14 criminal investigations.

15 Q. And you tell me whether you know or not. How do you
16 know he knew Jamie Hamilton?

17 A. Because Jamie had mentioned him to me before.

18 Q. Prior to Eddie Boone calling and talking to you?

19 A. Right.

20 Q. Okay. So and I want you to tell me -- and I don't
21 want you to tell me what Jamie Hamilton told you. I'm
22 just going to pose this particular question?

23 A. Yes, sir.

24 Q. And but what you're telling the jury is and what
25 you're telling us is that you and another detective had

1 discussed Jamie -- had discussed Eddie Boone prior to
2 Eddie Boone ever calling you in reference to information
3 related to Ms. Stutts' murder, and that you knew that
4 Eddie Boone -- excuse me. You knew that Eddie Boone had
5 worked with your department. But with of all that
6 information, with your having a conversation with a
7 narcotics officer, and knowing about Eddie Boone you're
8 telling the jury that you had absolutely no idea what
9 Eddie Boone's relationship was with your department before
10 he called you and said, "I've got some information in
11 reference to Ms. Stutts' murder?"

12 A. Right.

13 Q. Okay. Now, don't tell me what anybody said, but you
14 said that you had a conversation with Mr. Hamilton in
15 reference to Eddie Boone? Okay. In reference to Eddie
16 Boone?

17 A. I'm not sure what you're asking. When you say,
18 'conversation about the case, conversation prior to the
19 case'?

20 Q. Prior to the case. And I think you testified
21 previously that you were aware of Eddie Boone because you
22 had talked with Jamie Hamilton about Eddie Boone ---

23 A. Right.

24 Q. --- prior to Ms. Stutts' murder case?

25 A. Yes, sir.

1 Q. And what I'm saying is that don't tell me what, you
2 know, Jamie Hamilton said, but under what context did
3 y'all talk about Eddie Boone?

4 A. He was a witness for Jamie in a case.

5 Q. Okay.

6 MR. BROOKER: If you can indulge me for just a
7 second, Your Honor?

8 THE COURT: Yes, sir.

9 BY MR. BROOKER:

10 Q. You also testified to the fact that there was even
11 information about Ms. Stutts' homicide that you did not
12 release to the media?

13 A. We don't even release it to law enforcement. We keep
14 it. It would have been me, Allen Rogers, the Sheriff, the
15 Chief, a S.L.E.D. agent, tops.

16 Q. Okay.

17 A. That's in every case. We do that in all cases.

18 Q. Had anyone had access, like a lawyer or anything like
19 that, with reference to the investigation?

20 A. You talking about cause I'm talking the beginning --
21 in the beginning they should not have.

22 Q. They should not have?

23 A. Yes, sir.

24 Q. But you're not guaranteeing that you can vouch for
25 everyone?

1 A. No, sir, I wouldn't dare say that. They should not.
2 I'm not saying could not have. I'm saying they should not
3 have.

4 Q. And that's the point I'm trying to get at. You're
5 saying they should not have?

6 A. Yes, sir.

7 Q. But you're not saying for absolutely certain that you
8 know that this information wasn't leaked?

9 A. Right. No, sir.

10 Q. But it wasn't leaked by you?

11 A. It wasn't leaked by me.

12 MR. BROOKER: No further questions, Your Honor.

13 MR. DANIEL: Beg the Court's indulgence, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. DANIEL:

16 Q. You testified earlier that did take a statement from
17 Eddie Boone, right?

18 A. Yes, sir.

19 Q. Do you remember what day that was?

20 A. I do not.

21 Q. Okay. I'm going to show you the statement that you
22 just referenced cause I don't expect you to remember from
23 six years but ---

24 A. Yes, sir.

25 Q. --- what is the date you took that statement?

1 A. 8/31 of 2009.

2 Q. Okay. At that time, on the 31st of August, so this
3 would have been 12 days, 11 12 -- 12 days after the
4 incident took place?

5 A. Yes, sir.

6 Q. And by that time would law enforcement have already
7 turned over all of your investigative material and stuff
8 to my office?

9 A. No, sir.

10 Q. Would you have turned over -- at that point would you
11 have turned over any details of the investigation to the
12 defense to whoever was representing the defendant?

13 A. No, sir.

14 Q. So I didn't even have it, the details at that point?

15 A. No, sir.

16 Q. Okay.

17 MR. DANIEL: Beg the Court's indulgence.

18 BY MR. DANIEL:

19 Q. This statement from whoever, we're not going to talk
20 with you about what's in it yet, but this statement that
21 you took from Eddie Boone, did it concern the defendant?

22 A. Yes, sir.

23 Q. Did it concern -- did this statement concern anybody
24 else?

25 A. That one?

1 Q. Did this information, cause there may have been more
2 than one statement that you took from him?

3 A. Right.

4 Q. Did this statement concern this defendant?

5 A. Yes, sir.

6 Q. And information that Eddie Boone said he had about
7 this defendant?

8 A. Yes, sir.

9 MR. DANIEL: No further questions. Thanks.

10 MR. BROOKER: I'll be very brief, Your Honor, on
11 recross.

12 THE COURT: Yes, sir. Go ahead.

13 RECROSS-EXAMINATION

14 BY MR. BROOKER:

15 Q. I think you were just shown at least a document of
16 Eddie Boone's statement?

17 A. Yes, sir.

18 Q. And, of course, I believe it was -- I think you
19 testified it was dated August 31, 2009; is that correct?

20 A. Yes, sir.

21 Q. Now, and for the purposes of the -- just for the
22 jury's recollection, is that you testified early on this
23 week, you know, that you took a statement from Damian
24 Inman?

25 A. Yes, sir.

1 Q. And if you can remember we went over that statement
2 on the stand?

3 A. Yes, sir.

4 Q. Okay. And what date was that statement taken from
5 Damian Inman?

6 A. 8/19 of 2009. August 19th.

7 Q. Okay. August 19th. That statement was taken -- so
8 the statement that you took from Damian Inman and the
9 statement that Damian Inman gave you; that statement was
10 taken some, you know, what 10, 12 days before the
11 statement of Eddie Boone?

12 A. Yes, sir.

13 Q. All right. So Damian Inman had already given you his
14 account of what had taken place; is that correct?

15 A. Yes, sir.

16 Q. Long before Eddie Boone came and called you; is that
17 correct?

18 A. Yes, sir.

19 Q. Okay.

20 MR. BROOKER: No further questions, Your Honor.

21 MR. DANIEL: Beg the Court's indulgence. No further
22 questions.

23 THE COURT: You may step down.

24 MR. REDMOND: May it please the Court. State next
25 recalls Detective Allen Rogers.

1 THE COURT: Hold up. You need to take a break? We
2 need a recess. Ten minutes.

3 (WHEREUPON, the jury panel was excused from the
4 courtroom at 11:28 a.m.)

5 (WHEREUPON, Court was in recess at 11:29 a.m. and
6 reconvenes at 11:40 a.m.)

7 COLLOQUY

8 MR. DANIEL: Your Honor, we won't need to call
9 Ms. Johnson cause we are stipulating now to all she would
10 testify to is:

11 A, that at some point during the time in question
12 Eddie Boone was housed in the same pod in the jail as
13 Lorenzo Inman and then at another time as Damian Inman.

14 And then, B, that Lieutenant Johnson did not receive
15 any requests from anyone in law enforcement to have Eddie
16 Boone housed in the same pod as either Inman Brother.

17 And if the jail had received any such request she
18 would have known about it because she's the one that
19 handles movement and classification. That's it. That's
20 all she was going to testify to.

21 And, of course, this is all dealing with the Masiah
22 Case. Obviously, it's illegal for the government to put
23 someone in a cell to elicit statements, and that is not
24 what happened here has been no evidence of that at all,
25 and we just want to make all of that clear so the Court

1 can make a finding at least through the testimony that
2 would have been Lieutenant Johnson and law enforcement
3 that that did not take place.

4 THE COURT: We're in agreement?

5 MR. BROOKER: We're in agreement, Your Honor. I just
6 asked my client whether or not he had any problems with
7 that stipulation, and he did not. We're in agreement.

8 THE COURT: So the Court so finds, and how y'all
9 handle that with the jury, now.

10 MR. DANIEL: All right. So after Allen Rogers
11 testifies next then I'll stand up and say what we just
12 said to the jury. And then we'll move on straight to
13 Eddie Boone and we won't need Lieutenant Johnson.

14 THE COURT: Okay.

15 MR. DANIEL: Thank you.

16 (WHEREUPON, the jury panel enters the courtroom at
17 11:49 a.m.)

18 THE COURT: All right.

19 MR. REDMOND: May it please the Court, Your Honor.
20 The State recalls Detective Allen Rogers, and we remind
21 Detective Rogers that he was still under oath.

22 THE COURT: Yes, sir, still under oath.

23 ALLEN ROGERS, after previously being duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

1 BY MR. REDMOND:

2 Q. Detective Rogers, I want to ask you some questions to
3 somewhat follow up on what Detective Turner was asked.
4 Just to be clear, again, are you the lead investigator on
5 the case on behalf of the Sheriff's Office?

6 A. Yes, I am.

7 Q. And did you sign the warrants for murder in this case
8 since it occurred out in the County?

9 A. Yes, I did.

10 Q. And were the warrants for murder against the
11 Defendant, Damian Inman, Lorenzo Inman, his brother and
12 John Henry Bridges?

13 A. Yes, sir.

14 Q. Now, at some point during this investigation,
15 specifically in August of -- in late August -- actually,
16 the end of August, the 31st, did you -- were you present
17 at the time that Eddie Boone had given a statement?

18 A. Yes, sir.

19 Q. And obviously, we're not getting into the context of
20 the statement, but was Eddie Boone housed at the Dillon
21 County Detention Center at that time?

22 A. Yes, sir, he was.

23 Q. And did he gave a statement regarding information
24 that he had received based on conversations with the
25 defendant?

1 A. Yes.

2 Q. Okay. Now, let's talk about just some administrative
3 aspects of it first. Was the Defendant or his brother,
4 either one of them or any of the defendants, were they
5 instructed by law enforcement to place the defendants in
6 the same pod with Eddie Boone?

7 A. No, sir.

8 Q. Was that request ever made?

9 A. No, sir.

10 Q. Do you have any control over how inmates are housed?

11 A. No, sir. It's up to Lieutenant at the Detention
12 Center, but any kind of investigation we are not going
13 request anything like that.

14 Q. Now, regarding the statement, again, without getting
15 into any specifics, I ask in general, have there been
16 times in your role as an investigator that people who are
17 incarcerated will contact law enforcement regarding
18 information that they may have?

19 A. Yes, sir.

20 Q. Is that a fairly common occurrence?

21 A. Yes, sir, it is.

22 Q. Now, are there times that you find that information
23 that they are giving to you is not credible? In other
24 words, it's really not useful or not truthful?

25 A. Yes. If it's information like that we double check

1 and some of it might not be true. Some of it is true, but
2 we do check on it to get some background.

3 Q. What types of things if you can, without getting
4 specific, but in general what types of things give you an
5 idea whether or not a witness is -- a witness such as an
6 inmate, is giving you credible information?

7 A. Most of the times the detective keeps a lot of
8 information to himself or maybe his co-worker. I don't
9 give it to the public. I don't give it to the media.
10 Other deputies doesn't know what's going on with the case,
11 and we do that for a reason. That way if we do have
12 information come from the Detention Center or inmate or
13 anybody we can double check your information with theirs.
14 It's very secluded who has that information.

15 Q. Okay. And did that protocol take place in this
16 particular case regard the murder of Ms. Stutts?

17 A. Yes, sir.

18 Q. Now, was Eddie Boone, paid, promised or given any
19 benefit as it relates to any information that he gave?

20 A. No, sir.

21 Q. Okay. And, again, did he -- was this in reference to
22 him trying to work off any charges or anything of that
23 nature?

24 A. No, sir.

25 Q. And to the best of your understanding was Mr. Boone

1 in jail for the fact that a child support, I think, issue?

2 A. That's correct.

3 Q. Okay. And, again, after he gave his statement did
4 y'all try to make arrangements to have him released there
5 around the 31st of August?

6 A. No, sir.

7 Q. Okay. Now, talking about the information that you
8 get and determining its credibility, in this particular
9 case one of the issues that was not released publicly and
10 not released outside of the close circle of officers is
11 one of the things that was I guess left secret for lack of
12 a better term the manner in which Ms. Stutts died? The
13 specific manner? The number of shots? Where those shots
14 were? Was that information released to the public?

15 A. Like Detective Turner testified all that information
16 was kept to us. We did that for a reason so the
17 information won't get out to the public. It was not
18 released. Only a few people knew about it.

19 Q. Let me show you what's been marked in evidence as
20 State's 41, I believe. And could you tell us what that
21 document is?

22 A. That's going to be the autopsy report of Ms. Stutts.

23 Q. And have you had a chance to review that document?

24 A. Yes, I have.

25 Q. And it was prepared by Doctor Edward Proctor, as

1 usual?

2 A. Yes, sir.

3 Q. And is he normally the pathologist who handles Dillon
4 County homicide autopsies?

5 A. Yes, he is.

6 Q. And in reviewing that report, based on your
7 investigation and obviously having been out at the scene,
8 can you tell the ladies and gentlemen of the jury
9 specifically where Ms. Stutts was shot?

10 A. Ms. Stutts was shot twice in the head area. One
11 behind the left ear and one in the right nostril.

12 Q. And was what information, where she was shot, was
13 that information released publicly?

14 A. No, sir.

15 Q. That would be all the questions I have. Please
16 answer any questions that Mr. Brooker may have.

17 MR. BROOKER: If you can indulge me just one second,
18 Your Honor.

19 CROSS-EXAMINATION

20 BY MR. BROOKER:

21 Q. Detective Rogers, I know that you've already
22 testified, and I think the jury already heard that you
23 were the lead detective in connection with this homicide
24 case involving Ms. Stutts; is that correct?

25 A. That's correct.

1 Q. All right. And, Eddie Boone, do you know Eddie
2 Boone?

3 A. The first time I met Eddie Boone was during the
4 statement.

5 Q. Eddie Boone ever work for the Dillon County Sheriff's
6 Office as a confidential informant?

7 A. Not to my knowledge.

8 Q. Now, I remember you said that it's normally your
9 practice that when there is an ongoing case that
10 information is not -- that certain information is not
11 leaked to the public. What information is given to the
12 public, if any? To the news media?

13 A. We have a public relation officer. His name is
14 Captain Cliff Arnette. He does all the public relation
15 for the Sheriff's Office, and he's very tight on the
16 information he gives out. And he did not release any
17 information about this, the autopsy report.

18 Q. Yeah, not -- well, is there information that is
19 released?

20 A. Particularly we had a crime. We had a murder.

21 Q. Okay. Would specifics about, you know, what time the
22 murder was released? Where the body was found? Would
23 that sort of information be released?

24 A. I'm not sure on this particular case. I wasn't the
25 P.R. officer on it.

1 Q. Okay. Should that sort of information be released?

2 A. The media, they might have found out where the crime
3 scene is located at because of, you know, social media.
4 But I'm not sure on this particular case.

5 Q. Okay. Would it -- is it normally that that might be
6 something the news media might need with respect to where
7 the body was located? What time it was located? That
8 sort of thing? That not something that the Sheriff's
9 Department would do?

10 A. Like I said before I'm not the public relations
11 officer, and I can't testify on what he releases and does
12 not release. But I know the particulars of this crime was
13 not released.

14 Q. Would it surprise you that, you know, to know that
15 the Dillon County Sheriff's Department released to the
16 local media that Ms. Stutts was missing around 6:00 p.m.
17 on Tuesday; that her body -- that she's 75 years old. The
18 body was found about 2:00 p.m. near Little Rock, South
19 Carolina? Excuse me. Near Little Rock. Would that
20 surprise you but that that was released to the media?

21 A. If you say so. I don't know.

22 Q. Would it surprise you if it was released, specific
23 details in reference to the condition of the house? For
24 instance is that she is reported missing; that the side
25 door was found to be open, and the car had been missing

1 from her home. Would those sorts of details surprise you
2 that those sorts of details were released about a crime
3 that is under investigation?

4 A. Like I testified before we did not release the
5 information that I just testified before about how many
6 times she got shot. Particulars like that.

7 Q. But what you just testified to is that you're not the
8 media guy, and don't know what the media guy releases --
9 would have released because when I asked about those
10 specific details you said you don't know?

11 A. I'm just going by what you just told me about the
12 release.

13 Q. Okay. Did you talk with you media -- during the
14 course of this investigation did you talk with your media
15 relations person?

16 A. On the particulars?

17 Q. Yeah.

18 A. No, sir. But he knew about where the location
19 happened at and the name and, you know, the general
20 information. I'll put it that way.

21 Q. Okay. And the reason why I'm asking you that is that
22 you went to the media relations guy and said, "Hey, listen
23 here. This is what is going to happen. This is what
24 you're going to release. This is what you're not going to
25 release. This is how this information is going to be

1 controlled. Did you ever have that conversation with your
2 media person?

3 A. The media person didn't know what I just testified
4 about how many shots or where she was shot at, Ms. Stutts
5 was shot at.

6 Q. Did you have that conversation with any of the
7 officers -- with any of the other officers within the
8 Sheriff's Department?

9 A. Like I said during a murder investigation it's really
10 close knit. It may be only several of us who had that
11 information.

12 Q. Okay. Can you identify everybody that knew that
13 information?

14 A. It had to be close. It had to be Sergeant Turner,
15 myself, the Sheriff, the Chief of Police, maybe S.L.E.D.
16 agents that were working the case.

17 Q. Okay. And the S.L.E.D. agents that would know. Do
18 you know whether or not anybody else would know?

19 A. No, sir.

20 Q. And what I'm asking is did you know whether or not
21 anybody else did know or you don't know whether or not it
22 went beyond those?

23 A. No, sir. I cannot testify if it went beyond that.

24 Q. You can't testify if it went beyond those persons?

25 A. No, sir.

1 Q. So you're testifying that it should not have went
2 beyond those persons, but you don't know specifically
3 whether or not it did?

4 A. That's right.

5 Q. Now, at the -- and I'll ask you is is that when Ms.
6 Stutts' body was located do you have a crime scene log to
7 say who was out there on the crime scene?

8 A. I'm pretty sure, yeah, we do.

9 Q. Did you generate a crime scene log?

10 A. Yes. We generate one on every crime scene.

11 Q. Okay. Do you have it?

12 A. I don't have it.

13 Q. Okay. So and because you don't have that crime scene
14 log you couldn't tell the jury specifically who ventured
15 out to that crime scene, you know, and may have leaked
16 information of the crime scene?

17 A. Only permission in was law enforcement..

18 Q. Okay. And that's what I'm talking about, members of
19 law enforcement. Do you know which members of your
20 department, which members of other departments whether
21 City Police Department or either any other department that
22 participated, do you know -- do you have a crime scene log
23 where you can specifically say, "I know exactly who came
24 out to Admiral Road, you know, at this crime scene." Not
25 necessarily inside the crime scene, but at the crime

1 scene?

2 A. No, sir, I don't know.

3 Q. Okay. You don't have that control. Okay. So you're
4 testifying to this jury about, you know, about the
5 information that was withhold -- that was withheld?

6 You're talking personally about yourself and some other
7 members? But you definitely can't testify about someone
8 that you don't know about?

9 A. If I'm testifying about the autopsy report the
10 autopsy wasn't done at the crime scene. That was done a
11 day later in a secluded situation. Only certain people
12 knew about the autopsy report. Okay.

13 It's not to the media. It's not to the people on the
14 crime scene. Only certain people knew about the autopsy
15 report. That's what I just testified to.

16 Q. And I understand that, and I understand you testified
17 about the autopsy report, but my concern is that the
18 autopsy report is going to have detailed medical stuff
19 with respect to the cause of death. But an autopsy
20 report -- you don't have to be a medical expert to seem
21 you know, gunshot wounds to be able to count them, one,
22 two? You don't have to be a medical expert to do that?

23 A. No, you don't, but where the body is located at only
24 certain individuals went to the body and worked the crime
25 scene. It's secured crime scene where Ms. Stutts was

1 located at.

2 Q. Now, at some point in time the body was also turned
3 over to the Coroner's Office; is that correct?

4 A. Correct, after an autopsy.

5 Q. After or before? I think it ---

6 A. It goes either one. Depends on when we do the
7 autopsy.

8 Q. And that's what I'm talking about is it's my
9 understanding, you correct me if I'm wrong, it's the
10 coroner that has the responsibility of ordering an autopsy
11 so that the autopsy can be performed?

12 A. That is correct.

13 Q. And it also is that does the coroner come out and
14 pronounce death?

15 A. Yes, sir.

16 Q. He has to pronounce death?

17 A. Yes, sir.

18 Q. And that's required, is it not?

19 A. Yes, sir.

20 Q. And, of course, is that you have any control over the
21 Coroner's Office?

22 A. No, sir.

23 Q. Okay. You have any knowledge of who within the
24 Coroner's Office would have known about how many times Ms.
25 Stutts was shot?

1 A. We don't a coroner so it would have to be one person.

2 Q. Right. I'm talking about within that person's office
3 or within that person's -- I'll ask about him?

4 A. This is a small county. I think it works by itself.

5 Q. I know it's a small county. I'm sure that the
6 coroner works with other people? Okay. And what I'm
7 asking do, too, is that do you have control of the coroner
8 anywhere?

9 A. No, sir.

10 Q. Do you know what information that went out through
11 the Coroner's Office?

12 A. No, sir.

13 Q. So you do not have complete control or complete lock
14 down of all the facts of that particular case? Is that
15 true? You can only control the people that are under your
16 control; that is correct?

17 A. That's correct.

18 Q. Okay. Thank you, sir.

19 MR. REDMOND: Redirect, Your Honor. May it please
20 the Court.

21 REDIRECT EXAMINATION

22 BY MR. REDMOND:

23 Q. Is there anything or any reason for you to believe
24 that any of these people that we spent that last ten
25 minutes I guess listening to that -- it may have been

1 longer, you talked to Eddie Boone? Did you talk to Eddie
2 Boone?

3 A. Yes, sir.

4 Q. Did you get a statement from Eddie Boone?

5 A. Yes, sir.

6 Q. Was there any indication at all that he had some
7 clandestine conversation with Coroner Grimsley about the
8 details of the case?

9 A. No, sir.

10 Q. Is there any information or any reason for you to
11 believe that he had some clandestine discussion with any
12 other members of law enforcement about the details of the
13 autopsy report that you testified to?

14 A. No, sir.

15 MR. REDMOND: Beg the Court's indulgence. That will
16 be all the questions I have.

17 MR. BROOKER: Just very briefly, Your Honor, recross.
18 I've just got one or two.

19 RE CROSS-EXAMINATION

20 BY MR. BROOKER:

21 Q. You just testified to your belief not to your
22 knowledge; is that correct?

23 A. Correct.

24 Q. Thank you, sir.

25 THE COURT: You may step down. Thank you.

1 THE WITNESS: Thank you.

2 MR. DANIEL: Your Honor, may it please the Court.

3 THE COURT: Yes, sir.

4 MR. DANIEL: The State had intended next to call
5 Lieutenant Pam Johnson, but in the break both the Defense
6 and the State agreed on the following things. This is
7 what Lieutenant Johnson was going to testify to.

8 She is Lieutenant Johnson at the jail, and she's in
9 charge of the jail staff. After the defendants were
10 arrested Eddie Boone was housed in the same pod as Lorenzo
11 Inman at one time, and then Eddie Boone was housed in the
12 same post over at the jail as Damian Inman had at one
13 time.

14 Lorenzo and Damian were separate. Also, both sides
15 agree that no one in law enforcement ever requested the
16 jail staff to house Eddie Boone with this Defendant or
17 with his brother at any time.

18 Those are the two facts that both sides have agreed
19 on and that means we don't need to call Lieutenant
20 Johnson.

21 THE COURT: Ladies and gentlemen of the jury,
22 stipulation means exactly what counsel just stated to you
23 that both sides in the case in agreement that that was to
24 be the testimony that would be presented. All right.

25 MR. REDMOND: Thank you, Your Honor. If it pleases

1 the Court. The State next calls Mr. Eddie Boone.

2 EDDIE BOONE, after being duly sworn, testified
3 as follows:

4 CLERK OF COURT: Be seated in the witness box. State
5 your full name for the Court spelling your last.

6 THE WITNESS: Eddie Alexander Boone.

7 COLLOQUY

8 MR. BROOKER: Your Honor, I think there is an issue
9 that we need to discuss with you briefly prior to the
10 testimony of this witness.

11 THE COURT: Okay. Ladies and gentlemen of the jury,
12 y'all step back to your room just for a minute or two,
13 please.

14 (WHEREUPON, the jury panel was excused from the
15 courtroom at 12:09 p.m.)

16 MR. REDMOND: Your Honor, I'm sorry. I think Mr.
17 Brooker had an issue regarding -- and it's probably best
18 to let him state them. But there are two issues.

19 One is as it relates to criminal history. Obviously,
20 under the rules, I think it's 609, there is an issue on --
21 well, there are two issues. One that we are actually
22 going to get into anyway where an incarceration from -- I
23 think that ended around 2003 -- 2004 for involuntary
24 manslaughter. That would be outside of the realm of the
25 requirement of the -- requirements allow him to be

1 impeached on that.

2 However, it does factor in to how he ended up
3 becoming an informant. So in talking with the witness we
4 have tried our best not to try to keep that from the jury.
5 We're going to get into that. However, as it relates to a
6 1998 conviction in Magistrate's Court, it's a Magistrate's
7 Court conviction for false information to a police
8 officer.

9 Obviously, we argue that that is outside of the
10 realm, and we also argue that it's not pertinent to this
11 case. It is not probative in any way, shape for form.
12 Mr. Brooker would disagree, but I'll yield to him if I can
13 respond at the appropriate time.

14 THE COURT: Mr. Brooker.

15 MR. BROOKER: Your Honor, is that Rule 609 is the
16 appropriate rule of evidence, and obviously is that it
17 says, "Under normal circumstances -- under normal
18 circumstances, you know, when someone has been charged
19 with a crime ten years has elapsed under normal
20 circumstances it would be excluded and not a reason to be
21 used to impeach a particular witness.

22 But, of course, is that there is an exception. And
23 the exception this is in a situation here where there is a
24 conviction that has at least probative evidence on an
25 issue that is related to that particular witness and in

1 the interest of justice and the benefit of the witness,
2 and maybe the benefit of the jury when they're examining
3 the trustworthiness or credibility of the witness.

4 And in this particular situation is that the witness
5 has I think it's a '98 or '97 -- it's a 1998 conviction
6 is -- it's a 1998 conviction for providing false
7 information to law enforcement. And, of course, is that
8 that is particularly -- particularly we think probative.
9 and the reason why I think it's particularly probative is
10 that this jury -- this witness is getting up and
11 testifying to the jury, you know, about information that
12 he allegedly gleamed from two witnesses of murder.

13 And that he then provided that information to law
14 enforcement. And then, of course, is that which means is
15 that this whole case, at least his whole testimony, is
16 going to be about his creditability. And like I said
17 under normal circumstances if the information was
18 something that did not involve credibility or something
19 that does not involve trustworthiness and specifically was
20 giving information to police officers.

21 Then, of course, what that says, at least by him
22 giving false information to a law enforcement officer, you
23 know, it says that he is not at least above, you know, at
24 least perjuring himself to a law enforcement official if
25 it's beneficial to him.

1 And, of course, that is exactly what he did in this
2 particular case. I mean it's absolutely what he did in
3 that particular case. And, of course, is that that's the
4 reason why we think it has tremendously probative value to
5 the jury because the jury is going to have to judge his
6 credibility and judge as to whether or not the information
7 he providing law enforcement; is that whether or not that
8 information, you know, is reliable or it's not reliable.

9 And then, of course, is I think that the Court says
10 that Your Honor does a balancing underneath 403 to see
11 whether or not any prejudice, you know, is outweighed by
12 the probative value. And I don't think the prejudice is
13 not to the witness himself but the prejudice is actually
14 to the Defendant because the Defendant is on trial.

15 I don't think that there is any prejudice to the
16 Defendant, you know, in mentioning, you know, that this
17 particular individual who has given a statement, whose
18 statement he gave to law enforcement, which I think this
19 entire case is going to be based on. That particular
20 individual has previously lied to law enforcement. It has
21 tremendous probative value. Thank you, Your Honor.

22 MR. REDMOND: Your Honor, it's been 17 years since
23 that conviction and that statute, and we're asking -- he's
24 asking you 27 years before that to rule on a case and I
25 think it's therefore -- and I don't think I'm wrong about

1 this, but with that ten year window to be able to go into
2 a person's, in essence, criminal history for lack of a
3 better term, character, in ten years a lot can change, and
4 we will hear about some of those things that have taken
5 place. It's no secret wherein law enforcement has
6 actually utilized Mr. Boone on several occasions involving
7 narcotics transactions and what not. We are going to get
8 into that, and the Defense is aware of that.

9 So I guess what I'm getting at is so much time has
10 passed to try to paint him with that brush from 17 years
11 ago is absolutely unfair, and I think that why that time
12 limit was placed in the rule so we can't reach 17 years
13 back to try to paint him with the same brush then as he
14 stands here now.

15 And so I don't think the Defense has satisfied, at
16 least in my mind, the fact that there is an overwhelming
17 need to delve back 17 years into a Magistrate's Court
18 offense. I understand that it involved an issue of him
19 lying to a police officer, but again, it was 17 years ago.
20 And I think given that, with that being the case, given
21 the fact that the rules have that cutoff at ten years.

22 And with it being in the Court's discretion, the way
23 I read the rules, I would submit that the Defense had got
24 to develop enough of an argument to be able to allow that
25 particular conviction from 17 years ago to be used against

1 Mr. Boone at this time.

2

3 MR. BROOKER: Just very briefly, Your Honor, and I my
4 shut up. Is that there is not -- ten years is not an
5 absolute cutoff date. Your Honor, we're looking at 609.
6 We're looking at Rule B under 609 time limit. And, of
7 course, is that 609 is not an absolute cutoff. And the
8 reason why I think that the General Assembly did not make
9 it an absolute cutoff is because the General Assembly
10 understands that under certain circumstances, you know,
11 when the credibility of a witness is so important and
12 there is a specific charge that goes directly to that
13 credibility.

14 Then, of course, is the Court has actually lifted the
15 rule the rule lift down limit, but you can go back as far
16 as 30 years if there is one particular case that is so
17 important in reference to the issue or in reference to the
18 credibility of the person who is asking the jury to
19 believe everything they say. They have a lot for an
20 indefinite period of time, and have not set up shut offs.

21 That's why he has other convictions, Your Honor along
22 the same time. We're not asking to go into those because
23 those other convictions back in '99 some even before that,
24 you know, and they don't go specifically to the issue that
25 is present in this particular case. He's not saying that

1 I contacted law enforcement, and I initiated this
2 conversation with law enforcement with this information
3 when a man's life is based on. Now, we have demonstrated
4 that one what the probative value to that would be to the
5 jury in evaluating his credibility.

6 But, of course, is that the State has provided, you
7 know, no prejudicial affect at least to the Defendant and
8 I think the prejudicial affect to the Defendant is that
9 it's his trial and he is the one, you know, that is
10 subject to be, you know, incarcerated. You know,
11 regardless of what this guy says I think he's going to
12 walk out and leave today.

13 But they have not submitted any counter-argument, you
14 know, with respect to prejudicial affect, you know. That
15 counter-balance, you know, is that the argument, you know,
16 or at least the probative value that we made, and is
17 extremely probative. He didn't lie to just anybody. He
18 lied to law enforcement and now he's asking us to believe
19 him, statements that he made to law enforcement that
20 involves, you know, the freedom of someone else.

21 I'm sorry. I think it's particularly probative for
22 the jury to be able to assess his credibility. Thank you,
23 Your Honor.

24 MR. REDMOND: Briefly if I may, Your Honor, and I do
25 mean briefly this time. To reply just citing Rule 609, I

1 think that's B; 609(B), the last sentence talks about
2 advance notice. I can tell the Court that I have not
3 severance my motion or the motion of Mr. Brooker, and we
4 talked earlier about he didn't see the rap sheet until
5 today. That's true, but having been on the other side 12
6 years ago even I had access to cell history use all the
7 time. When I was a defense attorney I had -- you can get
8 access to S.L.E.D. to be able to, at least 12 years ago,
9 be able to get general real criminal history use.

10 So, I think, and I was kind of anticipating where
11 this argument was going to be or were there avenues where
12 he would have that information to be able to raise the
13 issue prior to today. So we just make the Court aware of
14 that advance written notice.

15 MR. BROOKER: Just on that, Your Honor, is that, you
16 know, underneath Brady and, you know, they were supposed
17 to provide this to us, and the reason is that request that
18 have to provide to us. And, of course, they always
19 provide us this in all our criminal cases. And the reason
20 why is that this is not limited to just South Carolina.
21 This is limited to -- it's limited to a nationwide or
22 potentially nationwide criminal records in which the
23 prosecutor's office has access to it. We don't.

24 We don't have access to N.C.I.C. We can't get, you
25 know, a nationwide criminal background search. And that

1 has always been I think through Brady motions, we have
2 always had the right to request that in every criminal
3 case that I've had. It has always been provided because
4 the prosecutor's office does not contest the fact that we
5 have a right to ask for that because of Brady because we
6 don't have access to N.C.I.C. information and nationwide
7 date bait.

8 And, of course, we're talking about prior knowledge.
9 I don't know how long THAT they pulled it up, but when
10 they pulled it up they probably had access to it in the
11 first trial back in 2010 and knew about it since back in
12 2010 where we just came on this case a few months ago.

13 MR. REDMOND: I'm not a proponent of the rule that
14 says, basically, throws the burden back on me. He's the
15 proponent on this particular matter.

16 Lastly, Your Honor -- I hope the last thing is that
17 we've got counsel misstates Brady. Matter of fact we get
18 audited by S.L.E.D. I can give him a copy of his client's
19 criminal history. I don't have to give him a copy of a
20 witness' statement much less any of that stuff under the
21 rules until after he testifies.

22 So we've done that beforehand. We do that beforehand
23 because we have an open file policy. You want to stick to
24 the rules you wouldn't have had to have this statement
25 until after Mr. Boone testifies.

1 The other aspect that he misstated is the fact that
2 based on witness criminal history as part of discovery, I
3 don't know who does what everywhere else, but in the
4 Fourth Circuit we don't do that because we've been audited
5 by S.L.E.D. Everybody gets audited by S.L.E.D. We cannot
6 disseminate information on anybody other than his client
7 as it relates to criminal history.

8 As a matter of fact today I have allowed him to look
9 at the criminal histories. I'm not giving it to him
10 because then I'm in violation of S.L.E.D. policy.

11 MR. BROOKER: It's no different than the federal rule
12 is that they can't give it to us but we can have it,
13 possess it, during the trial and then return it just like
14 we to in federal cases.

15 THE COURT: We're not going to get this case reversed
16 before the Supreme Court over this issue. Now, 609, I
17 have discretion, and I have problems with this particular
18 record the way this case is developing. So, yes, that
19 criminal record, providing false information, can come
20 out.

21 But on the other hand you know what my feelings are
22 about shifting the entire emphasis on a case to try
23 everybody in this courtroom except the defendant. So it
24 will come out, but you're not going to sit back there and
25 try -- retry this witness on something that happened 17

1 years ago. So I'm going to overrule the State's objection
2 on that.

3 MR. REDMOND: Yes, sir.

4 THE COURT: It can come in, but on the other hand,
5 Mr. Brooker, we're not shifting this trial over to try
6 other people when your client is the one on trial here.
7 Now, y'all know how I feel about that?

8 MR. REDMOND: Yes, sir.

9 THE COURT: The entire court system is in a dilemma
10 over what to do about it. And we have got absolutely no
11 guidance from the Appellate Courts as to what we can do.
12 So with that said, with my limitations, do your job.
13 Y'all know what to do.

14 MR. REDMOND: Yes, sir.

15 MR. BROOKER: Thank you, Your Honor.

16 MR. REDMOND: The State is ready to proceed, Your
17 Honor.

18 THE COURT: Bring them back in.

19 (WHEREUPON, the jury panel enters the courtroom at
20 12:26 p.m.)

21 THE COURT: All right, Solicitor.

22 MR. REDMOND: May it please the Court, Your Honor.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION

25 BY MR. REDMOND:

1 Q. Mr. Boone, again, restate your name for the record?

2 A. Edward Anthony Boone.

3 BY MR. BROOKER:

4 Q. Mr. Boone, where are you originally from?

5 A. Atlanta.

6 Q. Here in Dillon County?

7 A. Yeah.

8 Q. And let me just direct your attention to August of

9 2009. Well, let me ask you now. Do you still reside in

10 Dillon?

11 A. Yes, sir.

12 Q. We'll get into why I'm not asking you specific

13 details. Okay. But in August of 2009 were you

14 incarcerated at the Dillon County Detention Center?

15 A. Yes, sir.

16 Q. And what was your incarceration for?

17 A. Child support.

18 Q. And do you remember about when you were incarcerated

19 on that charge to the best that you can recall?

20 A. I know it was August.

21 Q. Okay. Now, at some point towards the end of August

22 were you in the same pod, not cell, but same pod as

23 Lorenzo Inman?

24 A. Yes, sir.

25 Q. Okay. Did you have a chance to -- did you have any

1 discussions with Lorenzo Inman?

2 A. Yes, sir.

3 Q. About an incident that had occurred without getting
4 into any details?

5 A. Yes, sir.

6 Q. Did you have a conversation with him about the
7 incident involving Mary Alice Stutts?

8 A. Yes, sir.

9 Q. And subsequent to that did you then have the
10 defendant also in the same pod, not cell but pod, with you
11 at the Detention Center?

12 A. Yes, sir.

13 Q. And this is all in the latter part of August of '09?

14 A. Yeah.

15 Q. And did you -- well, let me ask you this. Is the
16 person that you had the second conversation, the second I
17 guess set of conversations with, is that person in the
18 courtroom today?

19 A. Yeah, right here.

20 Q. Okay. Is that Damian Inman?

21 A. Yes.

22 Q. And, again, did you have conversations with him
23 regarding the death of Mary Alice Stutts?

24 A. Yes, sir.

25 Q. Now, I'm going to just ask you. Can you tell us what

1 transpired and then we'll get into what was said. How did
2 it all get started? How was it initiated where you
3 started getting to talk with the Defendant about this?

4 A. He came over there, and I was asking him did he know
5 me. He said, "yeah." So I was talking to him. I said,
6 "Did you really kill that lady?" He said, "Yeah." And I
7 said, "You did," and he said, "Yeah." I said, "You
8 lying," and he said, "I did."

9 Q. Okay, now, do you recall about when this was?

10 A. This was August.

11 Q. And so he tells you that he killed her. At first did
12 you believe him when he said he killed her?

13 A. No.

14 Q. Okay. Did the conversation go any further?

15 A. Yeah.

16 Q. And please tell the ladies and gentlemen of the jury
17 about that?

18 A. He said they went to this lady's house to rob her or
19 something. He said they were -- he said there was a house
20 to rob. He said he went in the house. Searched the
21 house. Couldn't find nothing. Took and put her in the
22 tank. Drove her down towards Bingham. Put her in the
23 bushes. Well, all in front of the bushes and stuff.

24 And he said he shot the lady in the face. She was
25 begging. He shot her in the face. Her head turned to the

1 side he shot her again.

2 Q. So he told you how he shot her?

3 A. Yes, sir.

4 Q. In the face and the side of the head?

5 A. Yes.

6 Q. And -- go ahead.

7 A. And he said, "It was like killing a damn dog." He
8 said he didn't feel it. I said, "How you feel?" He said,
9 "I don't feel shit. It's like killing a damn dog."

10 Q. Now, Eddie, did he say anything else about any of the
11 other people that were involved? Did he say anything
12 about John Henry Bridges?

13 A. Yes, he said that John Henry -- he said John Henry --
14 he said John Henry helped him put -- take the woman out
15 the car and stuff like that. He said John Henry
16 reputation. John Henry running around acting like he bad,
17 but he said, "He ain't did shit." He said, "I should have
18 shot that motherfucker and left him right, too. There
19 would have been two missing people." Then he said --
20 later on he said, "Should have shot that motherfucker
21 while he was in the back seat."

22 Q. And, again, are you -- of course, with the language
23 are you telling the ladies and gentlemen of the jury ---

24 A. The exact words what he said. That's what he said
25 word for word.

1 Q. And when -- as he was describing this, again, as he
2 is describing what happened and am I understanding
3 correctly that you said it was like killing a dog?

4 A. Yeah, he was grinning like hell. Excuse me. He was
5 grinning. He was grinning like real serious. He was
6 grinning real hard like it was real funny to him. You
7 know what I'm saying?

8 Q. Now, after having this conversation with -- well, let
9 me go back. After you had the conversation, not getting
10 into the context of the conversation, after having
11 conversations with Lorenzo did you make law enforcement
12 aware and give a statement as it relate to Lorenzo's
13 statement? I mean what Lorenzo ---

14 A. Yeah. Yeah.

15 Q. And did you do the same after you talked with the
16 defendant?

17 A. Yeah.

18 Q. Now, let me get into some background information on
19 you, and then we'll finish some more with the defendant.
20 Now, just so the jury would know have you -- were you
21 incarcerated I think in 2003, 2004 I think on a three year
22 sentence for involuntary manslaughter?

23 A. Yes, sir.

24 Q. And where did that occur?

25 A. Marion County.

1 Q. Okay. And, again, it was not murder or voluntary
2 manslaughter. It was involuntary manslaughter?

3 A. Yes, sir.

4 Q. And once you were released from that at some point
5 did you start actually working as a cooperating witness
6 with law enforcement?

7 A. Yes, sir.

8 Q. And could you -- let me ask you this. What made you
9 decide to do that?

10 A. Cause I felt -- when I got out I felt bad about the
11 guy that got killed and all the stuff like that. So I was
12 going to do it for free, but they said they were going to
13 pay me, and I started doing it and they started paying me.

14 Q. All right. Now, what types of transactions would
15 you -- well, I'll just ask you. Did you work narcotics?

16 A. Yeah.

17 Q. Okay. And did you work with guns?

18 A. Yeah.

19 Q. And did you work with, and to that end, have you
20 worked with the authorities in Dillon County?

21 A. Yes, sir.

22 Q. Marion County?

23 A. Yes, sir.

24 Q. I think Robeson County if I'm not mistaken?

25 A. Yes, sir.

1 Q. The State government?

2 A. Yes, sir.

3 Q. State law enforcement division. I don't remember.
4 Have you ever done work with the State Bureau of
5 Investigation in North Carolina?

6 A. Yes.

7 Q. And with the United States Government with ATF?

8 A. Yes.

9 Q. So you have worked as a cooperating witness with all
10 of them?

11 A. Yes.

12 Q. And has it been either involving guns or drugs, the
13 transactions you've been involved in?

14 A. Yes.

15 Q. Has that had anything at all to do with your
16 testimony today?

17 A. No.

18 Q. Were you paid to give your testimony today?

19 A. No.

20 Q. Were you paid or in any instructed to get information
21 from them?

22 A. No, sir.

23 Q. In fact is this the first time that you've actually
24 given information regarding information you were told by a
25 fellow inmate?

1 A. Yes, sir.

2 Q. Okay. So and am I correct, just so the jury would
3 understand, normally are you involved in what we call
4 controlled buy transactions?

5 A. Yes.

6 Q. Okay. And could you explain to the jury what that
7 means? What specifically, when you talk about you as a
8 cooperating witness, what normally is it that you do?

9 A. All right. It's like if somebody on the street
10 that's a nuisance that is using or selling drugs and
11 stuff, selling guns, people getting killed and all stuff
12 like that, they send me in to buy guns and drugs for them,
13 you know what I'm saying? Get them off the street, and I
14 get paid for it.

15 Q. Okay. Now, you're not working off any charges?

16 A. No, sir.

17 Q. Were you working off any charges as we call it ---

18 A. No.

19 Q. --- when this occurred?

20 A. No.

21 Q. And I'll just begin by asking you this. What was it
22 then that made you decide to come forward with this
23 information?

24 A. It was the way this dude was telling -- the way he
25 was telling about this stuff. About how -- what he did to

1 that woman and all that stuff like that because I know a
2 lot of old people and stuff like that. You don't have to
3 do stuff like that. The old people done lived their life
4 and all that stuff like that. They done retired. They
5 want to live their life with their family, and this lady,
6 she done had, it's what, about six Thanksgivings and
7 Christmases without her family.

8 MR. BROOKER: Your Honor, Your Honor, Your Honor. We
9 may approach in reference to the hyperbulia.

10 THE COURT: Sure.

11 (WHEREUPON, a bench conference was held off the
12 record in the presence of the jury, but out of the
13 hearing of the jury.)

14 MR. REDMOND: May it please the Court, Your Honor.

15 BY MR. REDMOND:

16 Q. Mr. Boone?

17 A. Yes.

18 Q. Based on what you just testified to and just to put
19 it succinctly does it still bother you what the defendant
20 told you he did?

21 A. Yeah. Yeah.

22 Q. And is that why you're here testifying today?

23 A. Yeah, what he did and the way he was telling, how he
24 was grinning. And I believe he really do believe it was
25 like killing a damn dog cause he said. I believe he ain't

1 got no remorse about nothing. You know, he just ---

2 MR. BROOKER: Your Honor, objection to the
3 speculation in reference to the defendant's remorse.

4 THE COURT: I'm going to have to overrule that. I
5 mean you can cross-examine him on it.

6 MR. BROOKER: Okay.

7 THE WITNESS: He just, you know, a monster or animal
8 or something. I was just -- I don't know what in the
9 world. He just -- My mom would have been about 75 now if
10 she was living, and I can imagine if somebody take my mom,
11 anybody mom, you know what I'm saying. My mom died of
12 cancer, but I can just imagine somebody just taking my
13 mom's life. Just take her life, and then -- look, it's
14 been I don't know how many years, but Thanksgiving,
15 Christmas, no her behind something stupid somebody else
16 did. Something just stupid.

17 BY MR. REDMOND:

18 Q. And let me ask you this, Eddie, and thank you. But
19 let me just ask you this. You were in jail we talked
20 about on the child support. You gave them statements on
21 the 24th of August and the 31st of August regarding
22 Lorenzo and the defendant. Were you immediately released
23 from custody after giving law enforcement this
24 information?

25 A. No.

1 Q. And in fact did you stay in jail I guess another two
2 weeks until around the 14th of September before you were
3 finally released?

4 A. I finished my time. Yes.

5 MR. REDMOND: Beg the Court's indulgence.

6 BY MR. REDMOND:

7 Q. And I think you answered the question. Were you
8 released because you finished your Family Court time?

9 A. Yeah.

10 Q. Were you released in any way, shape or form based on
11 the information you got from the defendant?

12 A. No, I was released like everybody else. I was
13 released the same day as you're supposed to get out.

14 Q. That will be all the questions I have. Please answer
15 any questions Mr. Brooker may have.

16 MR. BROOKER: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. BROOKER:

19 Q. Mr. Boone, let's start off where I think Mr. Redmond
20 asked you in reference to your prior criminal record. And
21 I think he asked you that you were in jail in 2003 to 2004
22 for a manslaughter?

23 A. 2001 to 2004.

24 Q. 2001 to 2004 for a manslaughter?

25 A. Yeah, involuntary manslaughter.

1 Q. Involuntary manslaughter. But you were originally
2 charged with murder, is that correct, and pled to
3 involuntary manslaughter?

4 A. Yes.

5 Q. Okay. So you were basically in there because you had
6 taken someone's life?

7 A. Yes, sir. Involuntarily. Not on purpose.

8 Q. Okay. Now, you were also -- that is not the only
9 criminal record that you have. Do you have a criminal
10 charge -- isn't it true that you have a criminal charge?

11 MR. BROOKER: If you can indulge me just a second,
12 Your Honor. I don't have my copy.

13 BY MR. BROOKER:

14 Q. But you have a criminal charge back in 1998 for
15 providing false information to law enforcement? Was
16 convicted for providing false information to law
17 enforcement?

18 A. Yeah, when I was young and dumb. Yeah, that was 17
19 years ago.

20 Q. Okay. But you admitted at that period of time you
21 lied to law enforcement?

22 A. Yeah.

23 Q. Now, you testified also is that you did this out
24 of -- I think because this bothered you?

25 A. Yes.

1 Q. Okay. Now, you didn't do this because it bothered
2 you. You did this because you were a paid informant and
3 had been a paid informant for law enforcement for a long
4 time?

5 A. No, I did not. Not this right here I didn't do. I
6 did this because of what he told me and how he was
7 laughing and grinning about it. If you would have seen
8 him you would have told, too.

9 Q. Now, isn't it true that you started -- isn't it true
10 that when you got out of prison in 2004, I believe, that's
11 when you started to be a paid informant for law
12 enforcement?

13 A. Yes, sir.

14 Q. Okay. And you testified is that you were just going
15 to do it for free for law enforcement, but they offered to
16 pay you money?

17 A. Yes.

18 Q. Okay. You didn't have a job about at that time, did
19 you?

20 A. No.

21 Q. Okay. And you were not working, and the only money
22 you were receiving was for, you know, setting people up
23 and giving law enforcement information?

24 A. Wrong.

25 Q. Okay. Well, you said that that wasn't your primary

1 occupation?

2 A. No. You said the only money I was receiving. That's
3 not the only money I was receiving.

4 Q. Was that your primary occupation?

5 A. Yes.

6 Q. So your primary occupation basically is you were
7 working for law enforcement for money? Setting people up
8 as an informant?

9 A. Yes.

10 Q. Okay. And then, of course, is that you started that
11 in 2004, that correct?

12 A. Yes.

13 Q. Okay. And how much money did you pay? How much
14 money did law enforcement paid you over that period of
15 time for setting people up?

16 A. I can't remember.

17 Q. Okay. Now, let me ask you a question is that I'm
18 assuming, and of course, I know a little bit about law
19 enforcement is that they don't pay you for anything, do
20 they? They don't pay you just for not doing anything,
21 right?

22 A. No.

23 Q. They pay you for providing them information?

24 A. Yes, sir.

25 Q. And if you don't provide them with information you

1 don't get paid?

2 A. It's not information. It's -- I have to produce to
3 get paid.

4 Q. You have to produce to get paid?

5 A. Yes. It's not information. It's not information. I
6 have to make buys to get paid. Not information. Buys.
7 Buys of drugs, guns and stuff like that. Not information.
8 Buys. You can't get paid for no information. I don't
9 know if you know anything about it. You said you know a
10 little bit about it. You must don't because you don't get
11 paid for information. I can sit here and tell you
12 information and you ain't gone pay me to tell you.

13 Q. You get paid for producing results, right?

14 A. Yeah. I'll tell you information right now. Are you
15 going to pay me?

16 Q. And you certainly produced results, didn't you, in
17 this particular case?

18 A. No. Not this particular case. No.

19 Q. Okay. Now, I think ---

20 A. There was no drugs involved in this particular case.

21 Q. I think you said that also is that -- was money the
22 only form of way in which law enforcement paid you off?

23 A. Yes. They paid, yeah. Yeah.

24 Q. Okay. You received other benefits, did you not?

25 A. Yes, but that's not for being paid off. They loaned

1 me a car. They didn't pay me off with it.

2 Q. Okay. So they gave you a car?

3 A. No, they didn't give me a car. They loaned me a car.

4 Q. About how long they loaned you a car?

5 A. About two years.

6 Q. Okay. And then, of course, is that you didn't have
7 to pay -- and I'm assuming is the that reason why I called
8 it for free is that I'm assuming that is that you didn't
9 have to pay them any rent or anything like that, did you?

10 A. It's not mine.

11 Q. Okay. But I understand it's not yours. What I'm
12 saying for the two years that you had the car you wasn't
13 leasing it from them?

14 A. No. I said they loaned it to me.

15 Q. It was given to you for your benefit for your, like
16 you said in your own words, you had to produce?

17 A. Yes.

18 Q. Okay. Now, you said that you were also in jail
19 because of failure to pay child support?

20 A. Yes.

21 Q. And then, of course, isn't it true that at that
22 particular period of time when you were arrested for
23 failure to pay child support that there was a bench
24 warrant out for your arrest?

25 A. I didn't know. I didn't know that.

1 Q. Was there a bench warrant out for your arrest?

2 A. I don't know. Oh, yeah, when I got locked up, yeah.

3 Q. Yeah, when you got locked up you got locked up
4 because there was a bench warrant for your arrest, and
5 when you went through I think it was a check stop ---

6 A. No.

7 Q. --- that?

8 A. That was in Latta.

9 Q. You got stopped, and then, of course, is that you
10 were then picked up on that bench warrant?

11 A. Yes.

12 Q. And you're saying you didn't know about the bench
13 warrant?

14 A. No. Cause I had got out of prison, and I didn't get
15 no papers or nothing to go to Court so how could I know
16 anything about a bench warrant?

17 Q. You got out of prison in 2004. You were arrested in
18 2009?

19 A. And if you go back to that bench warrant it's from
20 1999.

21 Q. So law enforcement never informed you or what you're
22 saying is that the Family Court has a practice of not
23 informing people when they have to go to Court? They just
24 issue bench warrants for people for nothing?

25 A. That's what I'm saying. I was in prison in the

1 penitentiary. They didn't let me know either.

2 Q. Okay. So and, of course, the penitentiary and what
3 you're telling, at least, this jury is that when there is
4 outstanding warrants against someone that the penitentiary
5 with knowledge of those warrants would just simply let the
6 person lose?

7 A. I had a warrant since '99. Evidentially it did cause
8 I got out and nobody locked me up.

9 Q. And how much were you behind in child support?

10 A. When I got out or when?

11 Q. When you finally went to court?

12 A. I have no idea.

13 Q. Okay. Wasn't it somewhere in the neighborhood of
14 around \$21,500?

15 A. I think so, and now it's like \$6,000 and something.

16 Q. Okay. And so in that particular period of time, with
17 all the caring and love, you didn't have enough caring and
18 love to pay the child support?

19 MR. REDMOND: Your Honor, I am going to object at
20 this point.

21 MR. BROOKER: I'll withdraw the question, Your Honor.

22 THE COURT: Jury will disregard that statement by
23 counsel.

24 MR. BROOKER: I withdraw it, Your Honor.

25 BY MR. BROOKER:

1 Q. Okay. Now, let me talk with you a little bit about
2 who you worked for. Now, you testified that you worked
3 for law enforcement departments in Dillon County; is that
4 correct?

5 A. Yes.

6 Q. Okay. Which law enforcement departments do you work
7 for in Dillon County?

8 A. The Sheriff's Department, the City Police Department.

9 Q. Okay.

10 A. --- was involved in some of them, too.

11 Q. I'm sorry. All right. How long did you work for the
12 Sheriff's Department and ---

13 A. A couple of months.

14 Q. Okay. And the City Police Department?

15 A. A couple of months.

16 Q. And, then of course, you said you also worked for
17 other various law enforcement agencies. You worked for
18 some agencies in North Carolina; is that correct?

19 A. Yes.

20 Q. You worked for Marion County; is that correct?

21 A. Not Marion. It wasn't Marion.

22 Q. Okay. Okay. Did you ever remember testifying
23 previously that you worked in Marion County?

24 A. Well, I must have got it mixed up.

25 Q. Okay. Did you testify you worked in North Carolina?

1 A. Yes.

2 Q. What agencies in North Carolina did you work for?

3 A. Sheriff's Department, City Police Department, A.T.F.,
4 S.B.I, D.E.A. You name it I've done it.

5 Q. You name it and you did it and you did it and you
6 were getting paid for it?

7 A. Yes.

8 Q. Okay. You had to produce ---

9 A. Yes.

10 Q. --- in order to get paid for it?

11 A. Yes.

12 Q. Okay. And, of course, is that I'm assuming in that
13 long list you just run down that you included all the law
14 enforcement -- the federal law enforcement agencies that
15 you worked for?

16 A. U.S. Marshall was in on a couple of things. A.T.F.

17 Q. Okay. And at one point in time that's how you were
18 making your living?

19 A. Yes.

20 Q. Okay. Now, let me ask you some questions in
21 reference to the statement, now, that you allegedly took
22 from Damian Inman. And I think you testified that
23 Damian -- that you approached Damian and that you said you
24 asked Damian, "Hey, did you really kill this person?"

25 A. Yes.

1 Q. Okay. Something to that effect, is that correct?

2 A. Did you really kill that woman.

3 Q. Okay. And so what you're saying is that you were
4 soliciting information from Damian?

5 A. No, I just asked him.

6 Q. Okay. So you were asking him -- you were asking
7 information from Damian?

8 A. Yes.

9 Q. Okay. And, of course, is that you said that then
10 Damian then just told you that he murdered this lady and
11 all this wild stuff?

12 A. Yeah, because his brother told me earlier that Damian
13 did it. That's why I asked when he came in did he really
14 kill that woman.

15 Q. Okay.

16 A. Lorenzo.

17 Q. Okay. And since you opened that up I'm going to go
18 ahead and ask it. You said your -- his brother told you
19 earlier that Damian had killed him?

20 A. That Damian -- yeah. They called him Tweet.
21 Everybody called him Tweet.

22 Q. All right. Of course, you were asked a question.
23 You were asked a question I think by the prosecutor's
24 office in reference to talking with Damian. And, then of
25 course, is that you gave law enforcement a statement in

1 reference to Damian, didn't you?

2 A. And, yeah. And Lorenzo.

3 Q. Okay. Now, you just testified that Damian told
4 you -- that Lorenzo told you that Damian had killed this
5 lady?

6 A. Yes.

7 Q. But that's not what you told law enforcement, did
8 you?

9 A. Yes, I did.

10 Q. Okay. What I'm going to do is at this particular
11 period of time I'm going to -- do you remember giving a
12 statement that's dated August 24th 2009? A written
13 statement to law enforcement?

14 A. Yeah, I don't know the day. I gave two statements.

15 Q. Yes, sir?

16 MR. REDMOND: State doesn't have any objection. So
17 if the Defense wishes to introduce it.

18 MR. BROOKER: Okay. Thank you, Your Honor.

19 BY MR. BROOKER:

20 Q. Okay. Now, I'm going to allow you to take a look at
21 this statement so you can refresh your memory?

22 A. All right.

23 Q. I'm not trying to trick you or anything. And if you
24 will give me just a second I'll direct you.

25 A. Okay.

1 Q. Document to make it a whole lot clearer?

2 A. Okay.

3 (WHEREUPON, counsel and the witness could not be
4 heard on the record.)

5 MR. REDMOND: Your Honor, I don't -- I can't hear
6 what's going on there at the witness stand.

7 THE COURT: Well, if it makes you feel any better I
8 can't either.

9 MR. BROOKER: And I know is -- and what we're trying
10 to do is to at least refresh his memory with respect to
11 before he's asked to testify. So that's why I'm going
12 over it with him because I only have this one copy.

13 MR. REDMOND: I've never seen that done before, and
14 that was done on the record. That's why I just raised the
15 concern about it.

16 MR. BROOKER: Okay.

17 MR. REDMOND: Your Honor, again, I'm going to have to
18 object. There is some communication going on between
19 them.

20 MR. BROOKER: And I'm not talking right now. I'm
21 just showing him. So I get your concern. I'm showing
22 him.

23 MR. REDMOND: I'm just making sure, Your Honor.

24 BY MR. BROOKER:

25 Q. Let me -- have you took a look at it?

1 A. Yeah.

2 Q. And I'm going to try to read it to you and make sure
3 that my reading of it is correct. It says, "My name is
4 Eddie Boone, and of course, I am in C Pod with Lorenzo
5 Inman. Over a six day period he had told me from start to
6 finish about the murder of an old woman that he
7 committed."

8 A. Hand of one is the hand of all.

9 Q. Okay. So you're saying in here that Lorenzo told you
10 that he committed this crime?

11 A. He was with them?

12 Q. Okay?

13 A. Hands of one is the hands of them all.

14 Q. Okay. Is that a legal principle that you learned?

15 A. My brother got charged with the same thing I got
16 charged with, involuntary manslaughter. He didn't do
17 nothing. I did it, but he got charged with it, too.

18 Q. Okay. Okay All right. But that is -- did I read
19 your statement correctly? Did I read that line correctly?

20 A. Yeah. He was charged with murder, too, wasn't he,
21 just like to other ones was.

22 Q. But you did say that he said he committed the crime?

23 A. If you read further you are further Tweet had that
24 gun.

25 Q. Okay. And I don't mind reading the whole thing if

1 you want me to read it out in fairness?

2 A. Look a little further it says Tweet had that gun.

3 MR. BROOKER: You want me to do that?

4 THE WITNESS: No objection. I'm sorry. No
5 objection. I've already said I don't object if they clean
6 it up. If he's going to be reading it my understanding is
7 it probably needs to be admitted before it's published
8 which I have no objection. Just make sure the record is
9 clean.

10 MR. BROOKER: And, of course, is that you want it
11 admitted in the record I will admit it in the record.
12 Your Honor, this I guess would be I believe Defense Three.

13 THE COURT: Okay. Without objection.

14 MR. BROOKER: Your Honor, we're going to go ahead and
15 at least make this a part of the record as Defense Exhibit
16 Number Three. But myself, neither does the State has a
17 clean copy. And so as soon as we finish we will make that
18 clean copy and have the court reporter mark it. But it's
19 going to be Defense Number Three.

20 (WHEREUPON, Defendant's Exhibit No. 3 was marked for
21 identification and received into evidence.)

22 BY MR. BROOKER:

23 Q. And, of course, I'll go ahead and read this as we've
24 agreed. You said that you'd like to have the whole thing
25 read out to the jury. I understand your full statement;

1 is that correct.

2 It says, and I'll start from the beginning. "My name
3 is Eddie Boone. I am in C Pod with Lorenzo Inman. Over a
4 six day period that he has told me from start to finish
5 about the murder of an old lady that he committed." He
6 said that he looks like join Henry and his brother, Tweet,
7 was behind -- looks like it was hiding behind this old
8 lady's house waiting for her to go in. Wait for her to go
9 inside.

10 As soon as she went inside Lorenzo went to the door
11 and knocked. She answered the door and he asked her for a
12 bucket of water. That's when Tweet came up and put the
13 gun in the old lady's face and told her to give him the
14 money. She moved the gun out of her face and looks like
15 she said, "Don't have any money." Lorenzo said that --
16 Lorenzo and ---

17 A. John Henry.

18 Q. Lorenzo?

19 A. Lorenzo said. That's when he picked up her and
20 slammed the shit out of that bitch.

21 Q. Then, and this is inaudible, and then kicking?"

22 A. Then he kicked her, and then Lorenzo said he hit her.
23 And that's when Tweet, John Henry, Tweet went and searched
24 the house looking for money he couldn't find. Said he
25 didn't find shit. Got that part yet?

- 1 Q. Yes. "And then Lorenzo said they took the bitch and
2 put her in the trunk?"
- 3 A. Trunk, yeah.
- 4 Q. They drove her towards -- look like?
- 5 A. Bennettsville.
- 6 Q. Bennettsville. And took her down a road?
- 7 A. A dirt road.
- 8 Q. A road by a -- it looks like a dirt road with trees
9 on both sides in her car and pulled her in the -- put her
10 in the -- looks like in the bushes?
- 11 A. Yeah, he drug her in the bush. That's what he said.
- 12 Q. He said Tweet was about to fuck the bitch, but he
13 decided not to. Then he pulled the gun out and shot her
14 in the face. And then in the side of her head after she
15 begged him not to kill her. Lorenzo said he got -- looks
16 like?
- 17 A. She got whipped.
- 18 Q. And he drug her further in the bushes. Lorenzo said
19 that all of the -- looks like the power?
- 20 A. Papers.
- 21 Q. Papers.
- 22 A. In the glove compartment.
- 23 Q. In the glove compartment and burned and changed the
24 tag on the license plate. And you may have to read the
25 rest because I am having trouble with your writing. Like

1 change the tag on the license plate.

2 A. So nobody couldn't -- it's too light for me to read.

3 I need a darker copy.

4 Q. But this is the statement that you gave to law
5 enforcement?

6 A. Yeah. I can pretty much tell you what the rest of it
7 is. I can tell you what it is. I don't have to read it.

8 Q. Okay. And you did wrote in there that Lorenzo told
9 you he committed the murder in that first line?

10 A. It's in there. He told me Tweet shot the woman.
11 Remember he said he started to fuck the bitch. Then he
12 said he shot her.

13 Q. Okay?

14 A. It was Tweet. That's what's in there.

15 Q. Go ahead. Go ahead and finish your statement so I
16 can ask you the question?

17 A. Yeah, that's Tweet. It's in there. You read it
18 already.

19 Q. And then on -- and that was on August 29 of 2009.
20 And, then of course, on August 31st of 2009 that's when
21 you're saying that Damian Inman gave you his statement?

22 A. Yeah?

23 Q. Roughly about seven days following the statement that
24 was given from Lorenzo?

25 A. Yes.

1 Q. Okay.

2 A. The same pod.

3 Q. Now, how long were you in that pod?

4 A. I think -- I don't know. About 20 something, 30
5 something days. I don't know.

6 Q. Okay. And what is your relationship to Damian?

7 A. None.

8 Q. No relationship to Damian?

9 A. No.

10 Q. Okay. What is your relationship to Lorenzo?

11 A. None. I don't have none.

12 Q. Okay. And so you're saying is that Lorenzo, after
13 not talking to anybody else in the pod and giving any
14 other statement to anybody else in the pod that he gave
15 one -- he gave one, both of them charged with murder, just
16 gave them to you?

17 A. No. I was out there talking to him. He was talking
18 so loud to every one of them federal boys that was right
19 there. You could hear him. It was so quiet you could
20 hear writing on a paper. That's how hard they were
21 writing everything down that was said.

22 Q. Okay. So you're saying that? 

23 A. They were talking loud.

24 Q. Okay. So you say that they said there -- that they
25 said this to a crowd of people?

1 A. They was in the cell. We was in the cells. He was
2 like -- we came out -- he came out for his break,
3 whatever, and he was outside sitting out -- in there
4 sitting on the table. We all in the cells looking at the
5 tracks and stuff like that. And he was just a talking.

6 Q. Okay. And I want to make sure I understand you. You
7 said he that he said this to around a crowd of boys? In
8 the presence of a crowd of boys?

9 A. He was -- ain't no boys, but we was all in there, not
10 that I knows of. But we was in there. We was all in the
11 cells. He came out for his break. He was sitting on the
12 table. He was talking to me up there, upstairs. He was
13 talking to me, and while he was talking to me he was
14 telling me -- I was asking him stuff and them boys, like
15 everybody was writing that stuff down, whatever he was
16 saying.

17 Q. And I know you said there were federal boys writing
18 it down?

19 A. Yeah, federal.

20 Q. Okay. And the jury may not understand that, but
21 what's the particular concern about federal inmates in
22 connection with the detention facility?

23 A. Federal guys, if like if they get some -- I don't
24 know. I've never been in no federal prison so I really
25 can't tell you. I never been in no federal prison. No

1 trouble federal so I couldn't tell you.

2 Q. But you mention that these federal boys were writing
3 it down?

4 A. Yeah, they were writing it down. Yeah.

5 Q. And then, of course, isn't it true that the reason
6 why you make that statement is that it's well known on the
7 inside of a prison, inside of a prison which you were an
8 inmate, you know, that a lot of federal inmates sometimes
9 will use statements against other inmates in order to get
10 shorter sentences or downward departures, you know, on the
11 times in which they might be looking to serve?

12 A. Yes, I've been told that. I've also been told that
13 some federal guys get together and make up lies on each
14 other, too.

15 Q. Some state guys do that, too?

16 A. Yeah. A lot of people do that.

17 Q. Okay. A lot of people do that?

18 A. Yeah.

19 Q. And they do that in order to receive some sort of
20 benefit, whatever it is?

21 A. No.

22 Q. And specifically with federal guys ---

23 A. No.

24 Q. Let me finish with my ---

25 MR. REDMOND: Your Honor, if he can answer the

1 question. Mr. Brooker is asking like three questions in a
2 row. He won't be able to answer the question.

3 MR. BROOKER: And he is, and that's why I was
4 stopping him for the benefit of the court reporter so I
5 can finish that question so the court reporter can get
6 that question down and then so you can answer it because
7 she needs to get everything down, okay?

8 Now, what I was asking you is that the benefit, at
9 least to the federal guys, is that, you know, and you may
10 not know this or not. You tell me that in the
11 penitentiary or at least in the detention center that is
12 well known that federal guys that if they can find
13 information that can be used against other inmates, you
14 know, that sometimes they can ask for a cut in their time,
15 a downward departure in the amount of time they're looking
16 for.

17 A. That's what I heard. That's what I heard.

18 Q. Okay. Okay. And is that the reason why you made
19 reference to the fact that, oh, there was a bunch of
20 federal guys. They were listening and writing everything
21 down?

22 A. No. I was just telling you the truth.

23 Q. Okay. Now, and you may not know this, but you tell
24 me whether or not you -- whether or not you know this. Do
25 you know whether or not anybody else has come forward to

1 law enforcement? Any of those other federal guys who were
2 writing this stuff down whether or not any of them has
3 come to law enforcement and says, "Hey, law enforcement,
4 I'm -- I have information in reference to Damian Inman or
5 Lorenzo Inman saying this?" You may not know, but I'm
6 asking you do you know?

7 A. No. I was on lockup. I don't know. I couldn't
8 tell. I couldn't -- they send it out in the mail or call
9 somebody, I can't tell you what they're doing when they on
10 that phone or they write stuff down and send it out. I
11 know they was writing stuff down. I don't know what they
12 was writing. They could have been drawing on the inside
13 of the cell. I don't know. They were writing.

14 Q. Okay.

15 MR. BROOKER: Now, if you can indulge me for just a
16 second, Your Honor?

17 THE COURT: Yes, sir.

18 MR. BROOKER: I might be finished with Mr. Boone, but
19 I want to be absolutely certain.

20 THE COURT: Okay.

21 MR. BROOKER: Indulge me for just a second, Your
22 Honor. Let me make sure.

23 THE COURT: Okay.

24 BY MR. BROOKER:

25 Q. And the last series of questions, and it's the same

1 question I've been asking everybody, every witness who got
2 up here, and you're not going to be any different. Now,
3 at the time in which Ms. Inman [sic] was abducted were you
4 present for that abduction.

5 A. No, I wasn't with him when he did it. No.

6 Q. Okay.

7 A. I don't know.

8 Q. Okay. Were you presence for that abduction?

9 A. No, I wasn't with him when he did it.

10 Q. Okay. Well, I understand what you're trying to do.

11 A. No. I'm ---

12 Q. Now, were you an eye witness to the abduction?

13 A. No. Again, I wasn't there with him when he did it.

14 Q. Okay. And, now, because you were not an eye witness
15 to the abduction is that you cannot testify as an eye
16 witness with respect to what happened during the abduction
17 of Ms. Inman?

18 A. If somebody was there as an eye witness, they tell me
19 that's ...

20 Q. And I'll repeat that. I'm just asking you as it
21 relates to -- I'll repeat it. I'll repeat it in a way.
22 I'm asking whether or not you were an eye witness and
23 asking whether or not you observed anything as an eye
24 witness?

25 A. No.

1 Q. Okay. That's what I'm trying to do. That's why I'm
2 using the words, 'eye witness'. So were you an eye
3 witness to her abduction?

4 A. No, I wasn't there when he did that. I keep telling
5 you that.

6 Q. Now, because you were not an eye witness to her
7 abduction, you were not an eye witness to abduction, you
8 cannot testify as an eye witness to anything that occurred
9 at her house as an eye witness?

10 A. All I can testify to is how he told me he abduct --
11 they abducted her and they killed her. That's all I can
12 testify to.

13 Q. So you cannot ---

14 A. I said that's all I can testify to how he told me
15 they abducted her and how he killed her. That's all I can
16 testify to.

17 Q. So the answer is no? You can't testify as an eye
18 witness?

19 A. No.

20 Q. Were you present at her murder?

21 A. I told you I wasn't with them.

22 Q. Okay. So that answer is no?

23 A. No.

24 Q. And because you can't testify as an eye witness and
25 because you were not an eye witness you cannot testify

1 with respect to what happened at her murder as an eye
2 witness?

3 A. That don't mean I can't tell you what happened cause
4 he told me what happened.

5 Q. Is the answer no? You can't testify as an eye
6 witness as to what happened during her murder?

7 A. No, I can't testify as an eye witness, but I can
8 testify to what he told me happened at her.

9 MR. BROOKER: I have no further questions for this
10 witness, Your Honor.

11 MR. REDMOND: Brief redirect, Your Honor. Just to
12 clarify as it relates -- may it please the Court.

13 THE COURT: Yes.

14 REDIRECT EXAMINATION

15 BY MR. REDMOND:

16 Q. Just to clarify. Mr. Brooker got into a discussion
17 about federal inmates and everything. Touch on this
18 before just to make sure I'm clear. Federal inmates, have
19 you ever been a federal inmate?

20 A. No.

21 Q. And based on I guess your experience and what you've
22 done have you heard the term thrown around, 'downward
23 departure'?

24 A. Yeah, I've heard of that.

25 Q. In other words let me ask you like this. Are you

1 aware that federal inmates are sometimes trying to get
2 information to give so they get their own sentence
3 reduced?

4 A. Yes.

5 Q. And were you in the same situation as those federal
6 inmates?

7 A. No, I was in there for child support.

8 Q. Were you giving this information to try to get any
9 reduction of sentence?

-10 A. No.

11 Q. Were you working off any charges at that time?

12 A. No.

13 Q. And, again, why were you in jail?

14 A. Child support.

15 Q. And after you gave them these two statements
16 regarding what Lorenzo said and what Damian said in the
17 murder of Ms. Stutts did law enforcement do anything or
18 pull any strings to get you out of jail on this charge for
19 child support?

20 A. No.

21 Q. And in fact if I recall your testimony correctly you
22 served out the rest of your sentence?

23 A. Yes

24 Q. And you have indicated that you obviously, and we got
25 into it in the cross, but you've done a lot of work acting

1 as and I say an informant, but actually working on
2 controlled transactions with law enforcement?

3 A. Yes.

4 Q. And when I say, 'controlled transactions', just to be
5 clear, are these transactions that there may be some kind
6 of wire or camera?

7 A. Yes.

8 Q. Go in, make the purchase transaction against a target
9 of an investigation?

10 A. Yes.

11 Q. And is that the work that you do?

12 A. Yes.

13 Q. Did that work have anything to do with what the
14 defendant told you?

15 A. No.

16 Q. And what you told law enforcement?

17 A. No.

18 Q. And when you say, just to clarify I guess it's
19 Defense Three, to clarify, when you say in Lorenzo's
20 statement, and I don't see it right here, but I'll just
21 ask you real quick.

22 MR. BROOKER: Your Honor.

23 MR. REDMOND: Beg the Court's indulgence if I may
24 approach the witness.

25 BY MR. REDMOND:

1 Q. When you say -- if you could read this passage
2 starting where I've underlined, and I'll let you know when
3 to stop reading. But just read that passage?

4 A. "Then they took the bitch and put her in the trunk.
5 He laughed. Then drove towards Bingham and Bennettsville
6 and took her down a road by a ditch with trees on both
7 sides near her car. Pulled in the bushes.

8 And he said Tweet was about to fuck the bitch. He
9 decided not to." He said, "Then he pulled the gun out and
10 shot her in the face and then in the side of the head
11 after she begged him not to kill her."

12 Q. Now, who is the he? When Lorenzo is saying 'he
13 pulled out the gun and shot her', who is Lorenzo referring
14 to?

15 A. Tweet, right there.

16 Q. And thank you, and just to clarify. Obviously, we
17 heard a lot of bad language. Is that language, are you
18 recounting almost verbatim the language that they were
19 using as they were talking about it?

20 A. Yeah, they said exactly what I said. Grinning. All
21 I didn't do is the laughing how he did.

22 Q. And last thing. Defense asked you about the I guess
23 the false information of the police from 17 years ago.
24 But despite that and based on everything we heard, Despite
25 that conviction for giving a false statement to police 17

1 years ago, in the 17 years since state, local and federal
2 agencies have utilized you to assist in their
3 investigations?

4 A. Yes, sir. I've been in trials and everything.

5 MR. REDMOND: No further questions, Your Honor.

6 MR. BROOKER: Just very briefly, Your Honor, and I'll
7 be finished.

8 RECROSS-EXAMINATION

9 BY MR. BROOKER:

10 Q. Is that when Mr. Redmond just asked you when you read
11 the bottom of the statement when you said, "Who is he" in
12 your statement you said, "He is Tweet," but at the
13 bottom -- at the top of your statement you identified he
14 is being Lorenzo Inman; is that correct? When it says --
15 let me finish just so she can get it down. So when it
16 says in your statement that, "Over a six day period he has
17 told me from start to finish about the murder of an old
18 woman that he committed."

19 When you say, 'he' at that time you're talking about
20 Lorenzo Inman; is that correct?

21 A. Wrong.

22 Q. Okay.

23 A. It's all them. They did it together. And also said,
24 "He" when it says, "Lorenzo said" I was taking -- I said
25 Lorenzo said, "He" meaning Tweet shot the woman.

1 Q. No. I know. I'm talking about at the top. Did I
2 read that correctly about my name, and I'll read it one
3 more time?

4 A. You read it correctly.

5 Q. I'll sit down. Let me read it and then I'll sit down
6 to make sure we're correct on this. Isn't it accurate
7 that your statement says, "My name is Eddie Boone. I am
8 in C Pod with Lorenzo Inman. Over a six day period he",
9 and you're talking about Lorenzo Inman, right?

10 "He has told me from start the finish about the
11 murder of an old woman that he committed?"

12 A. Because he was with the other two. He committed
13 murder, too, in the eye of the law. He committed, too,
14 cause they charged him with it, didn't they?

15 Q. But in that statement, in that first paragraph, the
16 he you're talking about, the he who gave you this
17 information is Lorenzo Inman; is that correct?

18 A. Yes. Only he committed because he was with them.

19 MR. BROOKER: No further questions, Your Honor.

20 MR. REDMOND: No further questions, Your Honor.

21 THE COURT: You play step down. Thank you, sir.

22 Lunch time?

23 MR. REDMOND: Yes, sir.

24 THE COURT: We will break for lunch until 2:30.

25 Madam Clerk very graciously arranged lunch for you. All

1 right.. Everybody else remain seated in the courtroom
2 while the jury departs for lunch.

3 MR. REDMOND: And, Your Honor, once they depart can
4 we approach on an administrative housekeeping matter?

5 (WHEREUPON, the jury panel was excused from the
6 courtroom at 1:15 p.m.)

7 COLLOQUY

8 THE COURT: Yes, sir.

9 MR. DANIEL: Your Honor, the State, we're going to
10 look at our exhibits and all, but that is likely our case
11 and we'd like, if that is the case, we'll rest after
12 lunch. I don't know if the Defense is intending on
13 calling anybody, but if not then I believe we will be
14 ready to argue today, if that's what the Court wants to
15 do.

16 MR. BROOKER: Your Honor, I'm going to discuss with
17 him whether or not he wants to get up and testify. If he
18 does he will be our only witness during lunch.

19 THE COURT: Okay. 2:30.

20 MR. BROOKER: Thank you.

21 MR. DANIEL: Thank you, Judge.

22 (WHEREUPON, Court was in recess at 1:16 and
23 reconvenes at 2:30 p.m.)

24 THE COURT: Y'all ready?

25 MR. BROOKER: We're ready.

1 MR. REDMOND: Your Honor, the State is ready at this
2 time. Beg the Court's indulgence. Yes, Your Honor, at
3 this time the State is prepared to rest, and we just ask
4 also be allowed to be able to in front of the jury.

5 Housekeeping matter. There was a grand larceny
6 charge, and I don't know if the Court recalls there was
7 testimony that we attempted to get into regarding -- with
8 Detective Turner regarding the value of the vehicle.

9 Mr. Brooker objected and at that point we did not --
10 we weren't able to go any further into that line of
11 questioning. We followed up and doing some follow up work
12 as it relates to the issue on that charge we have
13 concluded that, especially given the amount of time that
14 has passed and given the fact that we were not able to lay
15 a foundation as it relates to the value of the vehicle at
16 the time, at this point are withdrawing that particular
17 indictment on the grand larceny.

18 Only on the grand larceny indictment only because we
19 would not be able to satisfy the burden on the
20 jurisdictional amount of the value because if charged
21 under the ten year statute and, of course, gets the lessor
22 included we've got to be able to prove a prima facie case
23 on the higher charge which because we aren't allowed to
24 get into that with Detective Turner we have not been able
25 establish that amount.

1 And so with that said the State is actually
2 withdrawing that particular indictment.

3 MR. DANIEL: Also, Judge, it's my understanding that
4 the Defendant is not going to take the stand. So if the
5 Court wants to go ahead and get into the colloquy of
6 questions with him about his rights before we bring the
7 jury in so we don't have to send them back out. Whatever
8 the Court may want.

9 THE COURT: Probably. Okay. Yeah, I can go ahead
10 and cover that. Mr. Brooker, have you covered or
11 discussed with you client his Fifth Amendment right to
12 testify or not testifying.

13 MR. BROOKER: Yes, Your Honor, I did.

14 THE COURT: In your opinion does he understand your
15 advise?

16 MR. BROOKER: He does, Your Honor.

17 THE COURT: Mr. Inman, I need your undivided
18 attention, please. I need to speak with you about your
19 Fifth Amendment rights. In a case such as this you have a
20 right, of course, to testify. You also have a
21 constitutional right to elect not to testify. That
22 provision is in the Fifth Amendment of the United States
23 Constitution.

24 If you were to take the stand and testify you could
25 be treated just like any other witness. You could be

1 cross-examined, and you could be impeached on any relevant
2 issue. But on the other hand you may elect not to
3 testify. If you elect not to testify it cannot be used
4 against you and I would even tell the jury that. In other
5 words, they can't even discuss it in the jury room the
6 fact that you elected not to testify cause it's a
7 constitutional right.

8 The decision you make on this has to be your
9 decision, and it needs to be freely, voluntarily and
10 intelligently entered into as to what your decision will
11 be.

12 Now, counsel has informed the Court that he has
13 discussed this issue with you. Do you understand his
14 advise.

15 MR. INMAN: Yeah.

16 THE COURT: Do you understand what I went over with
17 you?

18 MR. INMAN: Yes, sir.

19 THE COURT: Do you have any questions?

20 MR. INMAN: No. Not at all.

21 THE COURT: And it is your desire not to testify or
22 to testify?

23 MR. INMAN: Not to testify. Plead the Fifth.

24 THE COURT: Okay. And that decision is yours alone,
25 freely and voluntarily reached?

1 MR. INMAN: Yeah, it's mine.

2 THE COURT: Anything in regards to that from either
3 side?

4 MR. DANIEL: Nothing from the State.

5 MR. BROOKER: Nothing from the Defense.

6 THE COURT: Okay. Anything else before I bring the
7 jury in?

8 MR. REDMOND: Your Honor, as far as the instructions,
9 just to get an idea of what the game plan would be, I
10 think both sides are prepared to move to close, but
11 obviously, we were anticipating a charge conference as it
12 relates to the Court's instructions to the jury. And I
13 was just inquiring as to what the Court's, I guess, desire
14 is on that?

15 THE COURT: You got something specific you want me to
16 look at, otherwise, I'm go to go right down the statute
17 book with the actual charges an the regular felony general
18 charge. We also have hand of all. And we will also have
19 a charge about the Defendant's election not to testify.
20 Direct and circumstantial evidence I guess would be.

21 MR. DANIEL: Other than the basic charges the State
22 would ask, in as much as you said, the State would ask for
23 duress not being a defense to murder which was actually
24 charged last time. And I think that is the only -- you
25 said hand of one, duress not a defense to murder and I

1 believe that would be it.

2 MR. BROOKER: Your Honor, the only charge that we
3 would have is, obviously, is not -- is that, of course, is
4 that my understanding is they're theory is based on the
5 murder -- felony murder rule, and I have a copy of the
6 request for charge based upon the federal murder rules.
7 We request that that be charged. I can hand up so you can
8 look at it any time you want to. And then, obviously, is
9 that just the basic charge I guess bystander. The basic
10 bystander charge. If I may approach, Your Honor, I can
11 hand you a copy of it.

12 THE COURT: Yes, sir.

13 MR. DANIEL: We don't object to this charge nor do we
14 object to mere presence. And, Judge, I know I'm jumping
15 the gun by asking the Court to go ahead and talk to the
16 defendant, but I do think now the Defense has got a couple
17 of witnesses that want to call.

18 MR. BROOKER: We're not going to call the Defendant,
19 Your Honor. That we're going to call two witnesses, and
20 they're going to be two detectives. And I promise you I'm
21 going to be extremely brief. Probably no more than two
22 minutes each, and I'll try not to make a liar of myself.

23 THE COURT: Okay. All right. We're going to be
24 playing musical chairs which we quite often have to do.
25 When the State rests I'm going to have to send them back

1 out unless y'all both agree to go ahead and handle any
2 motions you may have.

3 MR. DANIEL: Sure. We don't have a problem with
4 that.

5 MR. BROOKER: That's fine, Your Honor, is that we're
6 going to have the jury come in and then have them go out
7 for the motions.

8 THE COURT: That's standard procedure unless both
9 sides agree to take it out of order.

10 MR. BROOKER: However you like I don't mind.

11 MR. DANIEL: I'm fine to go ahead and handle motions
12 now.

13 THE COURT: All right. We'll hear any motions at
14 this time.

15 MR. BROOKER: Just very brief, Your Honor, for the
16 record. Is that, obviously, is that my client is charged
17 with kidnapping. He's charged with criminal conspiracy.
18 He's charged with possession of a weapon during the
19 commission of a violent crime. He is charged with murder,
20 and he's charge with first degree burglary.

21 And my understanding, Your Honor, is that it is the
22 theory that these particular offenses are applicable to my
23 client because of the -- what's called the Felony Murder
24 Rule or what has been referred to as the hands of one is
25 the hands all. And, of course, is that in the instruction

1 and, of course, in the case law that I just handed to Your
2 Honor that in order for the Felony Murder Rule to be
3 applicable is that it requires not only that the
4 individual be present but in order to prove the Felony
5 Murder Rule it requires that the State prove -- indulge me
6 just a second, Your Honor. I'm pulling up that charge.

7 Is that it requires that they prove that there was --
8 that the individuals; that is that Mr. Inman, Mr. Inman's
9 brother, Lorenzo Inman, and John Henry, you know, who was
10 three individuals who have been charged with these
11 offences that they have to prove that they entered into a
12 common scheme to commit a felony.

13 And in that Mr. Inman was an active participate
14 within that common scheme; and that as a result of that
15 common scheme or carrying out that common scheme that
16 there was -- that a homicide was committed and that
17 homicide was a probable and natural consequence, you know,
18 of, you know, the original criminal scheme.

19 Like in this particular case for example it's their
20 theory that they got together and said, "We're going to
21 rob Ms. Stutts," that's the common scheme; that's the
22 common felonious scheme. And they got together and they
23 carried out, you know, the robbery. And, of course, in
24 the course of carrying out the robbery the homicide was a
25 probable or natural consequence of the robbery.

1 You know, so it requires more than just they be
2 there. It requires more than that they just be involved
3 in a scheme. The scheme they have to be present. They
4 have to be involved in the scheme. And then, of course,
5 is that they also -- the murder that occurs while the
6 scheme is being carried out have to be a natural or
7 probable consequence, you know, of the original planned
8 scheme.

9 In this particular case, Your Honor, is that there
10 has been no evidence that's been presented that there was
11 a common scheme entered into. I think the only person who
12 could have testified to that would have been -- would have
13 been I think Henry John Bridges. Of course, Henry John
14 Bridges was slated to testify and did not testify.

15 But absent that there's been absolutely no, and I
16 won't go through all the witnesses, but all the other
17 witnesses that testified in connection with this case, all
18 the other fact witnesses, law enforcement witnesses
19 testified that had absolutely no knowledge, you know, of
20 what happened in the time in Ms. Stutts was abducted.
21 They had absolutely no knowledge of whether or not they
22 talked about this and said, "Well, we're going to commit a
23 robbery. Let's go and do it together." Absolutely
24 nothing.

25 The only person who testified to anything that is

1 related to what happened at the scene would have been
2 Eddie Boone which would have been the State's last
3 witness. And, of course, Eddie Boone did not testify to
4 anything that even was remotely appeared to be some sort
5 of common scheme. Eddie Boone simply testified to the
6 fact that put in brief terms is that Mr -- I think in one
7 of his statements that Mr. Damian Inman, you know, told
8 him that, you know, that he killed this person.

9 Then, of course, in the other statement he testified
10 that Lorenzo Inman said that he committed the murder. But
11 did not testify to anything or did not allege that they
12 testified that they had planned or entered into a common
13 scheme to commit some sort of felonious crime. And that
14 the murder then was a natural -- naturally flowed from
15 that common scheme or was a probable and natural
16 consequences of the common scheme. No testimony of that
17 whatsoever.

18 Now, on -- and because there was no testimony of
19 that, Your Honor, I think if the jury is allowed to go
20 back and to look at whether or not that Mr. Inman should
21 be charged with murder based upon his alleged involvement
22 with the other -- with the other felonious charges they
23 would have to speculate in reference as to whether or not
24 there was a common scheme or plan on -- that naturally
25 evolved into the committing of a homicide.

1 And another thing that is probably in reference to
2 the use of the Felony Murder Doctrine in this particular
3 scenario is that in order for -- it's my understanding and
4 my believe that in order for the murder to be a probable
5 and natural consequence, you know, of the original scheme
6 I think there are relevant factors that have to be
7 considered. And that is that location, you know, as to
8 whether or not the location of the original common scheme
9 or plan, felonious scheme or plan, occurred at the same
10 time or occurred at that same location as the murder.

11 Two is I think also you have to consider time span.
12 What is the time difference between when the original
13 common scheme or plan was committed versus the time in
14 which the homicide was committed. Was there a great gap
15 in time that would connect the two. And I think that's
16 what the Court is talking about when they use the word,
17 'probable'; that there has to be a probable or natural
18 connection between the original felonious scheme and the
19 homicide.

20 If they are too remote in time then, of course, there
21 is that there may not be a connection between the two.
22 And in this particular case there was no testimony with
23 respect to the timeframe between the actual, the original
24 abduction and the alleged burglary or robbery and actually
25 when the homicide took place. Did the original common

1 scheme or plan took place at 5:00 or six o'clock and the
2 homicide took place, you know two, three, four hours
3 later. And in the interval, you know, were there factors
4 that separated the two or caused the two to be
5 disconnected where there is no longer a nexus between
6 them.

7 There is no evidence offered in reference to that,
8 and because there is no evidence in reference to that I
9 think it is impossible for them make the argument that
10 felonious -- that felony murder -- that felony murder
11 should be presented to the jury with the argument that Mr.
12 Inman, Damian Inman, was a part of a common scheme or plan
13 and that it does not matter who committed the murder.

14 But because he was a part of that original scheme or
15 plan and under the Felony Murder Rule he is then, you
16 know, liable, you know, for the conduct of his cohorts or
17 alleged cohorts. There has been absolutely no testimony
18 in respect to that. And I think the only people who could
19 have testified to that would have been one witness that
20 was not called, and that was John Henry.

21 And, honestly, Mr. Inman's statement is in the
22 record, but Mr. Inman's statement does not discuss a
23 common scheme or plan. It is actually contrary to that.
24 Mr. Inman said in his statement is that he was there, you
25 know, involuntarily; that he had been threatened, you

1 know; that you're going to go along with this and
2 participate in this, you know, or we'll harm you.

3 And that you better not tell anyone afterwards or
4 we'll harm you. So he was not alleged to be, you know --
5 in his statement he definitely didn't admit that he was
6 allegedly a willing participant. He alleged in his
7 statement that his participation was involuntarily; that
8 it was forced. And, again, in order to have a common
9 scheme or plan that two or more persons are involved in
10 the common scheme or plan. They have to be willing
11 participants and not forced participants.

12 And so based upon that, Your Honor, we would request
13 that the Felony Murder Rule that that not be charged for
14 the jury, and actually is that the -- if the theory of the
15 State is going to be that he is guilty of murder based
16 upon the Felony Murder Rule, then of course, the Felony
17 Murder -- that the murder should be dismissed.

18 And, obviously, Your Honor, I'll spare you with
19 respect to the argument on some of the other charges. I
20 think burglary first, criminal conspiracy, which I think
21 that argument is relative. In order for there to be a
22 criminal conspiracy there has to be a, you know, the
23 parties have to mutually agree to be involved. They
24 cannot be forced. There has been no testimony that there
25 had been any sort of mutual agreement, you know, between

1 Damian Inman, Lorenzo Inman and, you know, and John Henry
2 Bridges. And we think based on that that conspiracy
3 charge should be dismissed.

4 With respect to the armed robbery, very quickly, and
5 I won't toy around with this, Your Honor, but, you know,
6 there is a debateable issue with respect to the armed
7 robbery. And, of course, is that armed robbery is
8 simply -- it's simply the felonious taking of any goods or
9 property that belongs to someone else either directly from
10 their person or in their mere presence.

11 And, of course, an element of that is intent. And
12 there has been no evidence that's been presented with
13 respect to intent. The only testimony that goes towards
14 intent would be the testimony from Mr. Inman's own
15 statement in which Mr. Inman says to the contrary that he
16 was not -- he had no intentions of participating in the
17 offenses; that he was an involuntary participant; that he
18 was forced to do. And with that, Your Honor, I'll take my
19 seat.

20 MR. DANIEL: Your Honor, may it please the Court.
21 I'll be brief. First of all, of course, that the Court is
22 aware a directed verdict is most commonly by the Defense.
23 But the Court is, of course, in a position where it is
24 considering only the existence or non-existence of
25 evidence. Not weight of the evidence, and understanding

1 that that is the standard Mr. Brooker first goes to the
2 felony murder issue. And, of course, in South Carolina we
3 don't call it felony murder. We call it accomplice
4 liability.

5 And under that accomplice liability issue the law --
6 the similar law in South Carolina is State v. Avery, 509
7 SE 2d 476. That's a 1998 case, and that says exactly what
8 I said in the opening, "Where two or more combine together
9 to commit a felony during which a homicide is committed as
10 a natural and probable consequence all those present
11 participating are as guilty of the murder as the one who
12 committed the homicide."

13 So, what we have here and what we have testimony from
14 the Defendant's statement. We have testimony from Lorenzo
15 Inman's words through Eddie Boone's statement. We have
16 testimony from Eddie Boone as to what the Defendant told
17 him. A gun was introduced at the home of Mary Alice
18 Stutts, and this was after, as Lisa Alford testified, all
19 three defendants were casing the joint and coming up with
20 their plan there.

21 And, of course, that can be inferred. They
22 introduced a gun. When that happens, when you then pistol
23 whip someone and then you throw someone in the trunk of
24 your car a nature and probable consequence of that is
25 murder. Is entirely foreseeable that killing someone who

1 you just done other things to is a possibility. The
2 agreement that Mr. Brooker speaks of that had that happen
3 as it relates to the conspiracy charge can be inferred
4 from the actions of the Defendant.

5 And the Defendant puts himself at least there, and we
6 agree that mere presence would be -- is something that
7 should be charged. And we agree that mere presence would
8 not lead to a guilty verdict for this Defendant. But we
9 believe that there is ample evidence in the record that
10 points to the defendant's conduct being much greater than
11 just mere presence.

12 I think the last things that Mr. Brooker mentioned
13 was the armed robbery and the intent. You know, when
14 someone goes into a home and takes a key from the home of
15 someone they had just put in their trunk that's certainly
16 intent to take something cause they did take the key. And
17 then they took the car. So certainly I think there is
18 ample evidence in the record to support all of these
19 charges going forward and the Court denying the Defense's
20 directed verdict motion.

21 THE COURT: Let me make sure I understand the State.
22 I assume this is the State's position. The Felony Murder
23 Doctrine is just an alternative angle on this. I mean the
24 State is not abandoning the argument that Mr. Inman was
25 the actual ---

1 MR. DANIEL: Precisely.

2 THE COURT: --- killer.

3 MR. DANIEL: The State believe Mr. Inman was the
4 shooter. And in the alternative, if he wasn't the shooter
5 if the jury so finds, then the State believes that
6 Mr. Inman would be guilty under accomplice liability.

7 THE COURT: Well, okay. Clean everything up. I will
8 construe that we've got a motion for direct verdict that
9 covers all the remaining charges. I'll have to deny those
10 based on the evidence before the Court. Of course, the
11 grand larceny is gone.

12 MR. DANIEL: Thank you, Judge.

13 MR. BROOKER: Thank you, Your Honor.

14 THE COURT: Okay bring them in.

15 (WHEREUPON, the jury panel enters the courtroom at
16 3:50 p.m.)

17 THE COURT: All right. Solicitor.

18 MR. DANIEL: Thank you, Your Honor. May it please
19 the Court. Your Honor, at this time the State having
20 presented all of its evidence the State would respectfully
21 rest its case.

22 THE COURT: All right. Mr. Brooker.

23 MR. BROOKER: Thank you, Your Honor. Your Honor, in
24 rebuttal I call Lieutenant Turner, Detective Turner.

25 THE COURT: Your still under oath.

1 THE WITNESS: Yes, sir.

2 JASON TURNER, after previously being duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. BROOKER:

6 Q. Detective Turner, you're going to be surprised how
7 amazingly brief I'm going to be with you, but I just need
8 to ask you a few questions in reference to were you in the
9 courtroom when Eddie Boone testified?

10 A. Yes, sir.

11 Q. And were you in the courtroom when he testified to
12 the fact that when Damian Inman and Lorenzo Inman were
13 allegedly discussing the alleged -- the crimes involving
14 Ms. Stutts that there were other federal inmates around
15 writing stuff down. Writing like crazy?

16 A. I heard him say that, yes, sir.

17 Q. Okay. And just to ask you this question. Were you
18 ever contacted by anyone federal inmate, you know, in
19 reference to hearing Damian Inman or either Lorenzo Inman
20 confessing or writing confessions or talking about
21 confessions to the murder and abduction of Ms. Mary Alice
22 Stutts?

23 A. No, sir, I have -- I was never contacted by anyone in
24 law enforcement for any type of statement.

25 Q. Okay. So with respect to, and I know we've already

1 talked about it at least and I think it's already in the
2 record, but that Damian Inman's statement, I think it's
3 already been admitted into evidence. And other than tis
4 statement that you -- I won't say you, but the statement
5 that was given by Eddie Boone alleging that Damian Inman
6 made a confession to him? Did anyone else, either from
7 the jailhouse, federal inmate or either State inmate,
8 approach you or contacted you and said that Damian Inman
9 confessed to committing the murder?

10 A. No, sir. There were no State nor federal nor
11 civilian as far as that is concerned.

12 Q. Okay. Now, were you involved in the trial of Lorenzo
13 Inman?

14 A. I was.

15 Q. Okay. And Lorenzo Inman's trial is over?

16 A. November 2010.

17 Q. Okay. And that ended in a result of a conviction?

18 A. Yes, sir.

19 Q. Okay. Now, during Lorenzo Inman's trial, and I just
20 want to make sure for the record, is that were there any
21 statements from any other federal inmate or any State
22 inmate at the Dillon County Detention Center that came
23 forward in that trial saying that Lorenzo Inman or either
24 Damian Inman had written confessions or made confessions
25 to them?

1 A. To my knowledge just Eddie Boone?

2 Q. Just Eddie Boone?

3 A. Yes, sir.

4 Q. Okay. And I'm going to ask you a question that you
5 may not -- you may not know. You tell me if you don't
6 know. Are you familiar with the concerns or ever been --
7 had the -- did you ever have the issue of dealing with a
8 federal inmate who made a statement, you know, against
9 someone else that was in the Detention Center?

10 A. I want to make sure I understand your question. Have
11 I ever dealt with, on another case?

12 Q. Yes. On any other case. A federal inmate coming
13 forth ---

14 A. Yes, sir.

15 Q. --- with evidence on an individual that -- that's in
16 the jail serving with that federal inmate?

17 A. Yes, sir.

18 Q. And you tell me. Are you familiar with the federal
19 downward departure system?

20 A. Yes, sir, I am.

21 Q. Okay. And the reason -- and why would a federal
22 inmate -- explain the downward departure system you said
23 you're familiar with?

24 A. In the federal system and the State of South Carolina
25 adopted a more limited system of the same concept, but the

1 federal system when a federal inmate is charged if they
2 have information -- if they gain information and it would
3 have to come from the jail cause that is usually where
4 they stay. Most federal inmates don't get bond or can't
5 make bond. If they get information that is relevant to
6 another case, it's not relevant to their own, they can
7 contact their attorney and they in turn notify the federal
8 authorities.

9 Depending on where the case resides, whether it's a
10 State case or another federal case, they will notify the
11 law enforcement of jurisdiction. Like if it were Dillon
12 Police Department I would get a call from the A.T.F. or
13 the F.B.I. and I would give them permission to speak with
14 their client.

15 They would -- we would go and talk to them and make
16 an assessment of their information to see if it actually
17 applies to the crime or the knew details from the crime
18 itself. The information that we told you earlier that we
19 hold back from the public, once we measure it then if it
20 applies we take a statement.

21 Then we in turn tell their attorney, the federal
22 attorney. We tell the U.S. Attorney, who in turn when
23 they actually, if they already bled or they're going up
24 for a plea, they can actually make a motion in that. If
25 they already pled they can make a motion for downward

1 departure which if they get an original sentence of 100
2 months if their information is significant enough so solve
3 another case a federal judge could depart from that
4 original sentence and go downwards to whatever he felt was
5 necessary in sentencing guidelines. That is the basic
6 concept of downward departure.

7 Q. And I'm going to rephrase that in a very, very, very
8 simple summation. So, basically, what downward departure
9 is a federal inmate can get information in reference to
10 another crime. And if that federal inmate then snitches
11 on that particular person then, of course, is that he
12 could potentially get his potential sentence reduced?

13 A. Yes.

14 Q. Okay. So there is a benefit for him, basically,
15 getting information and then, of course, informing on
16 another inmate in reference to that inmate's case?

17 A. Yes, sir.

18 Q. Okay.

19 MR. BROOKER: No further questions of this witness,
20 Your Honor.

21 MR. REDMOND: May it please the Court.

22 CROSS-EXAMINATION

23 BY MR. REDMOND:

24 Q. When you were, and I guess you've been asked this
25 earlier, but I'm going to ask you. I'm going to probe it

1 a little bit more. The autopsy report, I think I
2 didn't -- this is the first time that I've actually
3 questioned you, Sergeant Turner.

4 A. Yes, sir.

5 Q. If I can show you what's been marked as Exhibit 41.
6 Isn't it true that in you role -- well, let me ask you.
7 How long have you been an investigator?

8 A. May the 18th of 1999. About 16 years.

9 Q. In your role as an investigator isn't to true that
10 you have had several people over the years have come to
11 you with information be it federal, state, whoever, have
12 come to you with information?

13 A. Yes, sir.

14 Q. And I think you testified to this, but isn't it true
15 that a lot of what you do is try to judge how credible the
16 is information you get?

17 A. That's right. That's the bulk of the whole concept
18 of gauging the validity of the information.

19 Q. And isn't it also true that in doing that part of the
20 consideration is what details that an individual can give
21 you or a witness can give you that someone such as the
22 Defendant may have told them?

23 A. That's right.

24 Q. And if there -- isn't it also true that there are
25 certain details that had not been released, had not been

1 released publicly; that that individual tells you that he
2 was told, such as what Eddie Boone says the Defendant told
3 him, does that make you inclined to believe they are
4 credible?

5 A. Yes, sir.

6 MR. BROOKER: Objection, Your Honor. Can we
7 approach?

8 THE COURT: Yes.

9 (WHEREUPON, a bench conference was held off the
10 record in the presence of the jury, but out of the
11 hearing of the jury.)

12 BY MR. REDMOND:

13 Q. Let me ask you this. Isn't it true that details that
14 aren't released, such as where a victim has been shot,
15 generally speaking, if you're given details by a witness,
16 a potential witness, about that and you know it hadn't
17 been released is something that you take into
18 consideration determining -- in determining credibility?

19 A. Yes, sir.

20 Q. And if that individual has details as it relates on
21 how an incident transpired that had not been released
22 publicly does that then also give you an indication of the
23 credibility of that witness?

24 A. Yes, sir.

25 Q. And when I say, 'the credibility of that witness' I

1 mean the credibility that the witness did in fact have a
2 discussion with the perpetrator of the crime?

3 A. Yes, sir.

4 Q. And, finally, did you have discussions with Eddie
5 Boone in this case?

6 A. Yes, sir.

7 Q. Did he give you a statement in this case?

8 A. Yes, sir.

9 Q. And as it relates to testimony, it's already in the
10 record, and you were -- were you -- you were present in
11 the courtroom when he testified?

12 A. Yes, sir.

13 Q. And had he indicated that the victim, Ms. Stutts, had
14 been shot in the face and the side of the head?

15 A. Yes, sir.

16 Q. And was that consistent with what State's Exhibit
17 Number One ---

18 MR. BROOKER: Objection, Your Honor. Again, we're
19 getting into the exact same issue that we just discussed
20 at side bar.

21 MR. REDMOND: I'm sorry, Your Honor. I apologize. I
22 interrupted him.

23 MR. BROOKER: And we may be able to if you can give
24 me a second just to talk with Mr. Redmond?

25 THE COURT: Go right ahead.

1 BY MR. REDMOND:

2 Q. What does the autopsy report say as it relates to --
3 have you had a chance to review the autopsy report?

4 A. Yes, sir.

5 Q. Isn't it true that the autopsy report indicates that
6 Ms. Stutts was shot in the nasal area and above her ear?

7 A. Yes, sir.

8 Q. And would that be consistent with being shot in the
9 face and on the side of the head?

10 A. Yes, sir.

11 MR. REDMOND: I have nothing further.

12 THE COURT: Anything further?

13 MR. BROOKER: I don't have any further questions of
14 this witness. Your Honor.

15 THE COURT: You may step down.

16 MR. BROOKER: Just very briefly, Detective Rogers.

17 THE COURT: Your still under oath.

18 ALLAN ROGERS, after previously being duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BROOKER:

22 Q. I'll be brief again, Detective Rogers. I promise.

23 But I'm going to ask you the exact same questions is that

24 were you in the courtroom when Eddie Boone testified that

25 when -- that Lorenzo Inman -- excuse me. Damian Inman and

1 Lorenzo Inman was speaking aloud, you know, as they were
2 making confessions about their involvement, you know, in
3 the abduction and death of Ms. Stutts?

4 A. Yes, sir, I was in the courtroom.

5 Q. Okay. And, of course, were -- you were also in the
6 courtroom did you also hear Eddie Boone testify that there
7 was a lot of federal inmates around and that they were
8 talking so loud that these guys were just writing down
9 like crazy?

10 A. Yes, sir.

11 Q. Okay? Now, did any federal inmate from the Dillon
12 County Detention Center or either a State inmate for that
13 matter contacted you on seeking to provide you with
14 alleged confession that was made by either Damian Inman or
15 Lorenzo Inman?

16 A. No, sir. Besides Eddie.

17 Q. Eddie Boone was the sole person that contacted your
18 law enforcement department, the Sheriff's Department,
19 alleging that he had received a confession?

20 A. Yes, sir.

21 Q. Okay. Now, and I'll just be very quick, but did you
22 hear I think Detective Turner testified in reference to
23 downward departure?

24 A. He did a good job explaining it.

25 Q. That's what I was going to ask you. You concur that

1 that is pretty much what a downward departure is?

2 A. Yes, sir.

3 Q. And simplistically I think I put was is that
4 generally federal inmates, you correct me if I'm wrong,
5 federal inmates a lot of times is that if they become
6 informants against other persons with crimes or has
7 criminal charges and testify or offer evidence against
8 these persons then they're in a position where they could
9 get a time reduction for the time that they're facing or
10 either the time they've already been sentenced to?

11 A. Yes, sir.

12 Q. Okay. You do agree with me or would you say that
13 that is highly desirable among federal inmates?

14 A. Yes, sir.

15 Q. Getting downward departure?

16 A. Yes, sir.

17 Q. Okay?

18 MR. BROOKER: If you can indulge me just a second.

19 No further questions, Your Honor.

20 MR. REDMOND: No redirect. I mean, no, excuse me.

21 No cross.

22 THE COURT: You may step down.

23 MR. BROOKER: We have no further witnesses, Your
24 Honor, that we wish to call. We rest.

25 THE COURT: Anything further from the State.

1 MR. REDMOND: No rebuttal, Your Honor.

2 THE COURT: Okay. Ready to argue?

3 MR. BROOKER: Ready whatever you are.

4 MR. REDMOND: The State is ready.

5 THE COURT: The jury ready? Anybody need a brief
6 recess? All right. You may proceed.

7 MR. BROOKER: Thank you, Your Honor.

8 CLOSING STATEMENT BY MR. BROOKER

9 MR. BROOKER: Good afternoon to y'all. It's been a
10 long week.. But we now have reached what's called the
11 closing arguments, and I'm just briefly explain to you
12 specifically what's going to happen during the closing
13 arguments, and I'll do it very briefly. And usually this
14 is the time when the attorneys get to stand up before you
15 and they get to give you a summation of the evidence
16 either through testimony or either exhibits that's been
17 presented in this case to try and assist you with your
18 interpretation.

19 But, and I say that laughingly, is that because, you
20 know, we're not a witness in this case. What we say is
21 not considered to be evidence in this case. Is that we're
22 advocates. You know, this is a criminal judicial process.
23 And, of course, is that Mr. Inman's been charged with very
24 serious crimes and you're going to try him on that.
25 You're here to make the determination, you know, as to

1 whether or not the State has proven his guilt beyond a
2 reasonable doubt. And I'll get into that in a minute.

3 And then in doing that then our job is to as the
4 prosecutor, the Solicitor's Office, and the defense
5 attorney, it's our job to try to take all of this evidence
6 through witness testimony, through exhibits or either
7 through any other physical evidence and present it to you
8 in a fashion, you know, in which it would be more
9 digestible to you and that hopefully you can reach a
10 determination as to whether or not that burden has been
11 satisfied.

12 Let's talk about that burden again before we go into
13 at least the evidence in this case and I talk with you
14 about that. If you remember at the beginning of this case
15 we talked about the burden of proof beyond a reasonable
16 doubt. And we also talked about the significant
17 principle, the significant principle of innocent until
18 proven guilty.

19 Well, guess what? Remember that presumption of
20 innocence I told you that Damian Inman carries at the
21 beginning of this trial, that presumption of innocence is
22 still with him. He still carries it. Even at this
23 particular stage in the trial he carries it. We all do.

24 Now, the question that you're about to entertain when
25 you go back in the jury room is that, and this is the only

1 question. Mind you that this is the only question because
2 sometimes I think a juror gets a little confused with
3 respect to what the responsibilities are. And I think
4 sometimes jurors think, well, okay, my responsibility is
5 to make a determination as to whether or not Damian Inman
6 is innocent.

7 But when you look at the verdict form you're not
8 going to see innocent -- guilty or innocent on the verdict
9 form. You're going to see guilty or not guilty. And the
10 reason why you're going to see guilty or not guilty is --
11 is because Damian Inman does not have to prove his
12 innocence. He doesn't have to prove his innocence. It's
13 not required by the law. The State has to prove his guilt
14 beyond a reasonable doubt.

15 And after you have looked over the evidence, and if
16 you think, well, I believe that beyond a reasonable doubt
17 I have no hesitation and the Judge is going to instruct
18 you with what beyond a reasonable doubt is. And I think
19 one of the definitions he's going to give to you is it's
20 the type of doubt that would cause a reasonable person to
21 hesitate. So if he says, I have no hesitation in
22 reference to the evidence that's in front of me that
23 Damian Inman is guilty of these offenses then the State
24 has satisfied that burden.

25 But on the other hand, if you say I have reason to

1 pause. I have reasonable hesitation, you know, as to
2 whether or not they have presented evidence sufficient to
3 satisfy that burden then that's what not guilty is.
4 That's what not guilty is.

5 Now, let's talk about the evidence that's been
6 presented in this case, and I'm going to go through it
7 pretty quickly and briefly go to the witnesses that were
8 presented by the State. The first witness that was
9 presented by the State I think was Joseph Lee. If you
10 remember Joseph Lee was the grandson of Ms. Stutts. And,
11 of course, is that Joseph Lee got up and testified, and
12 obviously his testimony was that he had that morning he
13 had borrowed his grandmother's car. And that he had a job
14 in Lake City.

15 And that afternoon that he had returned the car I
16 think somewhere around maybe 6:00 or 6:30 he returned the
17 car. And he talked with his grandmother and she went
18 inside and he left. And that's the last time he ever
19 spoke with her. And the reason why I say that is if you
20 can remember that I made a point of asking every witness
21 of this, and that is that you have any direct evidence
22 with respect to what Damian Inman's involvement was in
23 Ms. Stutts' abduction and her homicide, and he said, "No."

24 And the purpose of me asking that question is that to
25 say, and it's not in any way deemed demeaning to Mr. Lee.

1 I don't demean him in any way. He has suffered a great
2 loss, and I'm extremely sympathetic to that. But the
3 purpose of asking that question is that for the benefit of
4 the jury. It's to show you that this particular witness,
5 you know, has no evidence with respect to guilt or
6 innocence of Mr. Inman regarding these charges.

7 And then, of course, you heard I think Ms. Stutts'
8 son in law who got up on the stand next and testified
9 next. And I think his testimony was -- is that that they
10 had attempted to get in touch with Ms. Stutts the night
11 before and they could not. The next morning he called
12 and could not get in touch with Ms. Stutts. And he came
13 out and looked for her and couldn't find her.

14 And then, of course, eventually law enforcement was
15 involved, brought in. And I asked him that very same
16 question and that is that do you have any direct evidence
17 in reference to Damian Inman's involvement in the
18 abduction and Damian Inman's involvement in her homicide.
19 And the answer to that was no.

20 And, again, I did not see that asking him those
21 questions to demean him, but simply for the benefit of the
22 jury to let you know that witness has no relevant
23 information with respect to guilt or innocence.

24 The next witness was Crystal Norris. Okay. She was
25 the next witness that spoke. And then, of course, is that

1 I think Crystal Norris at that Mary for a period of time
2 if my memory serves me correctly, used to work with, you
3 know, I think the City of Dillon Police Department. She
4 is no longer with them.

5 And, of course, I asked her in reference to what her
6 involvement was, and her involvement was is that once they
7 had been called out, once Mr. Lee had discovered that Ms.
8 Stutts was missing that a call was put in and she was one
9 of the persons who responded to the scene. And eventually
10 she also took a report, and then she also put her car in
11 B.O.L.O, you know, as a missing person so they could
12 search for the car.

13 And if you can remember I asked her the same
14 question, and that is, "Do you have any direct knowledge
15 with respect to Ms. Stutts' abduction and Ms. Stutts'
16 murder, and she said, no, she didn't.

17 The next witness that was called was Detective
18 Turner, I believe, and we asked Detective Turner the same
19 question. Detective Turner is sitting in the courtroom,
20 and we asked him pretty much that same question; whether
21 or not he had any direct knowledge in reference to her
22 abduction and in reference to her murder and specifically
23 in reference to any direct knowledge with respect to what
24 Mr. Inman's involvement was.

25 And he testified that, no, he was an investigator

1 that was called out that came to the scene once it was
2 thought that Ms. Stutts was missing. And then, of course,
3 I think if you can remember his testimony was he came out,
4 and based upon a shoe being in the yard, based upon a
5 chair being on the ground that he thought, well, okay,
6 this may be something more than just a missing person.

7 And then he discussed with some of his superiors and
8 fellow officers, and they decided to rope it off as a
9 potential crime scene and get S.L.E.D. in, but he had no
10 direct knowledge.

11 And, then of course, is that, you know, Detective
12 Allan Rogers was also in the courtroom. We asked him that
13 same question. He is with the Dillon County Sheriff's
14 Department. Do you have any direct knowledge in reference
15 to the abduction, with reference to Ms. Stutts' murder,
16 and specifically in reference to Mr. Inman's
17 participation, and he said, "No." He said he did not.

18 Vickie Hallman, you can remember she was the young
19 lady from S.L.E.D. that was on the stand. And she -- I
20 think she testified that she was the latent print prints
21 expert, and I think she was in Crime Scene Investigations
22 and she processed on some of the crime scenes and lifted
23 some prints and collected some evidence in connection with
24 this case.

25 And we asked her of her direct knowledge whether or

1 not she had any direct knowledge in reference to Damian
2 Inman's involvement, and she testified, no. The only
3 knowledge she would have had obtained would be from the
4 evidence she collected but now direct knowledge.

5 And I think Ms. Alford testified, and if you can
6 remember Ms. Alford was the lady that said that the three
7 boys came to her house some time later that night in Ms.
8 Stutts' car, and I think she was related to John Henry.
9 And she had said that John Henry was her nephew if my
10 memory serves me correctly.

11 And I'm sorry. No. Ms. Alford, and I correct you.
12 Ms. Alford was the lady at the school and said that she
13 saw, you know, the boys walking back and forth when she
14 was getting off of work at around 6:00 or 6:30. And she
15 saw the boys walk past the school. They turned around,
16 walk the other way and then turned around and walked past
17 the school again. And then turned around and walked the
18 other way. She said at one point in time one of the boys
19 got behind or was behind the other two and ran and caught
20 up with them. And that was her testimony. And we asked
21 her the exact same question, and she said, "No, I don't
22 have any direct evidence."

23 Sandra Thompson, we asked her that same question, and
24 Sandra Thompson was the aunt of John Henry Bridges, one of
25 the codefendants. I think it was her that testified that

1 they came by her house that night and that John Henry came
2 into the house about five or ten minutes and while the
3 other boys stayed out in the car. Same question. Any
4 direct knowledge of Damian Inman's involvement, and the
5 answer was no.

6 Martha Ann Jacobs, we asked her the exact same
7 question, and her answer was no.

8 The next witness that I think she was just simply one
9 of the fact witnesses who said that she was standing out,
10 you know, I think one of the stores when the boys walked
11 up. She was waiting for her son to get off of work, and
12 she said, "No. No direct knowledge of his involvement."

13 Jasmine Mearite, that's the young lady that said the
14 boys came up and talked with them on two occasions. The
15 first time I think in the car. And then, of course, for
16 about 30 or 40 minutes she said and then later on foot.
17 And I think she is the individual who was dating the
18 daughter, you know, of Ann Jacobs. And, of course, she
19 was up there with Destiny, I believe is what his name is.
20 She was waiting for him to get off of work. And they came
21 up there on foot and spent some time.

22 Okay. And then, of course, the final witness was --
23 the final witness was -- you can remember the State's
24 witness was Eddie Boone, and we're going to get more into
25 that. And the reason why I go through all of this is

1 because to say that Eddie Boone is it for them. Eddie
2 Boone is the witness in which you will make your
3 determination as to whether or not Damian Inman is guilty,
4 you know, of all these offenses and with respect to what
5 his participation was.

6 He is the only witness that says, "I have some direct
7 knowledge or indirect knowledge because Damian Inman
8 confessed to me." That's it. That is their star witness.
9 That is the guy that this whole case rests upon, and the
10 reason why I say that that's the guy that this whole case
11 rests upon is because of the other evidence in this case.
12 It's because of the other evidence in this case. There is
13 a lot of evidence that was presented in this case, and you
14 will have a chance to go through it all. You will have a
15 change to got through it all.

16 For instance is that you will have what's been
17 identified as State's Exhibit Number 47. If you can
18 remember this was one -- this was Ms. Vickie Hallman from
19 S.L.E.D. And she's the lady who collected a lot of
20 evidence. She collected a lot of fingerprints. Of
21 course, if you can remember myself and also Solicitor
22 Redmond went through this.

23 We think it's, you know, this report that has 40 --
24 excuse me. Fifty-one items. Fifty-one items, you know,
25 there were collected at some point in time. And most of

1 them were prints. And, of course, is if you can remember
2 that I went through them with her, each and every one with
3 her, prints that she found at the house, prints in which
4 they found, you know, at the car. And each and every one
5 we went through and says, "Okay. Well, does any of
6 this -- does any of these prints match the prints of
7 Damian Inman? Does anyone of those prints provide any
8 evidence of Damian Inman's guilt?" And she said, "No."

9 And I think the only matches that they received were
10 from John Henry Bridges and was for Lorenzo Inman. And I
11 think they had matches -- their print matches came from I
12 think on the car. Their print matches came from the car.
13 I think one of the prints came off the back of the trunk,
14 and the other one came off, I think, one of the side
15 panels or one of the panels of the outside of the car.

16 But she says in this entire report there is no
17 evidence that -- no evidence to Damian Inman's guilt. And
18 so I asked her, "Well, okay, what about D.N.A. evidence?
19 Did you swab the gun?" Because if you can remember what
20 the definition that she explained to you what the
21 definition of a print was. And she said, basically, what
22 a print is actually it's the transfer -- it's kind of a
23 moisture pattern. When you touch something it leaves sort
24 of a moisture pattern. And all that identifies the
25 ridges, you know, within the finger.

1 And then, of course, I asked her, "Well, okay,
2 because it is a moisture pattern then, of course, there is
3 D.N.A." So then I asked her, "Did you swab, you know, the
4 gun to try to determine whether or not Damian Inman's
5 fingers ever touched that gun." And if my memory serves
6 me correct she said something along the extent of that she
7 thinks they may have, but she looked in her report and
8 said she don't see anything that suggested that they
9 received any D.N.A. from the gun that matches Damian
10 Inman. None whatsoever.

11 And then, of course, is that all the other evidence
12 that was collected, I think there were some blood on the
13 car, trunk of the car. We asked about that. They
14 collected their clothing, and if you can remember I asked
15 her about that. They collected the clothing from all
16 three boys. And if you can remember that the only D.N.A.
17 that was picked up on was D.N.A. that matched Ms. Stutts
18 was on the clothing of John Henry Bridges. But no D.N.A.
19 coming from Mr. Inman, whatsoever.

20 And I think the prosecutor even admitted that I think
21 in his opening remarks to you. Said there is absolutely
22 no known D.N.A. or either fingerprint evidence that
23 connects Mr. Inman. None whatsoever. No physical
24 evidence whatsoever. This whole case is based on
25 testimony. This whole case is based upon -- based upon

1 the reliability and believability of the statements that
2 have been presented.. There is absolutely no physical
3 evidence.

4 Without any testimony, without his own testimony, you
5 would never know that he was there. You would never know
6 he was a part of it without his own testimony. Without
7 his own statement. You never would have known he was
8 there because there are no traces of him. Absolutely
9 none. No fingerprint traces that put him at the scene.
10 No fingerprint traces that put him in the car. No
11 fingerprint traces that put him at the murder. No D.N.A.
12 evidence. You would not have known he was there.

13 What does this all come down to? This comes down to
14 the statements and the believability and reliability of
15 the statements. And I won't go into great detail. You
16 will have them in the jury room. You will have them in
17 the jury room, but I'll briefly touch upon them. And you
18 will have what's been identify as State's Exhibit 56.
19 This is Damian Inman's statement that he wrote I think the
20 follow day when he was picked up from school.

21 He wrote this on the 19th. So I think it was the
22 following day after his arrest. And you will read it.
23 And, of course, is that he says, "Yes, I was there." He
24 said that John Henry had the gun. He said that John Henry
25 wanted to rob the house. And that John Henry threatened

1 them to participate in the robbery with him. So John
2 Henry had the gun, and he was in control. And he that he
3 didn't want to be there, but this guy said, "You have to
4 participate or I'll harm you if you don't."

5 You have to be there or I'm harm you. And he said he
6 did. He put himself there in his own statement, but he
7 said he was an unwilling participant; that he really
8 didn't want to be there. But he felt threatened by John
9 Henry.

10 And then, of course, is that you will have the
11 photographs. If you remember the black bag that was taken
12 from his house as a result of this search warrant where
13 there were bullets in the black bag that matched the gun.
14 Well then I'm sure they said, "Ah hah. I got you." But
15 even before -- I think even before they picked up that
16 black bag and I might be wrong is that he put that in his
17 statement. It's contained in his statement where he said
18 that when John Henry dropped him off that John Henry told
19 him that he needed to take the bullets and put them up.

20 And that when they dropped him off, which means when
21 they let him out, cause I think at some point in time he
22 was not with them the entire night. At some point in time
23 he was dropped off. And he said that he was told, "You
24 take the bullets, and you put them up." And he said
25 that's what he did. So later on they went -- they

1 executed a search warrant at their house. Well, we found
2 the bullets. Ah hah. It's a got you moment, but, no,
3 it's not. He told them about it. He voluntarily told
4 them about it.

5 Now, let's get back to Eddie Boone because like I
6 told you before this whole case is rested on Mr. Eddie
7 Boone. And what you think of him? And I'll say to you is
8 that if you believe half of the stuff that Eddie Boone was
9 telling you I'd like to sell you the Brooklyn Bridges
10 because we all know what Eddie Boone is. Eddie Boone is
11 someone I think, and let's talk very briefly about it.

12 First of all, Eddie Boone says, "Well, I'm doing this
13 out of the kindness of my heart." How many of us believe
14 that? He was convicted of manslaughter in 2003, and that
15 manslaughter was pled down from a murder in which he took
16 someone's life. Went to jail in 2003. I think got out in
17 four years. Sentenced to five years and got out in 2004
18 after service of one year. I don't know about you, ladies
19 and gentlemen, but sentenced to five years for
20 manslaughter, and you go to jail in one year and get out
21 the very next day. The very next year. And when you get
22 out the very next year you become an informant.

23 Now, you're intelligent people. You're smart, and I
24 would say and I would submit to you that Eddie Boone; that
25 one of the reasons why he may have gotten a murder reduced

1 to manslaughter; that he got sentenced to five years and
2 got out after one ---

3 MR. REDMOND: Your Honor, I'm going to object.

4 THE COURT: Your objection ---

5 MR. REDMOND: I hate to interrupt.

6 THE COURT: Your objection is sustained.

7 MR. REDMOND: Thank you, Your Honor.

8 MR. BROOKER: I'll leave it to your own
9 interpretation. I won't draw that picture for you, but
10 I'll leave it for your own interpretation. But those are
11 the facts. 2004, he becomes an informant. And you heard
12 me ask him, "Well, you didn't have a job, did you, when
13 you got out? No, I didn't have a job. What was your
14 occupation?" His occupation was an informant.

15 And he said he worked with the Dillon County
16 Sheriff's Department. He worked with the Dillon Police
17 Department. He didn't remember, you know, that he had
18 previously testified that he had worked with the Marion
19 Sheriff's Department. He had worked for various agencies
20 is North Carolina. They were all federal. Various
21 agencies in North Carolina. State agencies or State
22 police departments or Sheriff's Departments, the federal
23 government, the U.S. Marshalls. You name it he worked for
24 them.

25 And then, of course, is that if you can remember he

1 says, "Well, I was just going to work for them for free,
2 but they told me they would pay me," and who believes
3 that. "I was going to work for them out of the kindness
4 of my heart to repay back for my trouble, but they told me
5 they were going to pay me." So he is saying he wasn't
6 doing it for the money, but he was loading money in his
7 pocket. Who believes that?

8 And for years he worked as an informant. For years
9 he worked as an informant. And if you can remember there
10 is one thing that he said, and I made a point of
11 emphasizing this when I said, "Well, you get paid -- you
12 get paid when you, you know, when you bring information."
13 And if you can remember what his statement was? "You want
14 to get paid you got to produce. You got to produce if you
15 want to get paid. They won't pay you unless you produce?"

16 And that's exactly what Eddie Boone did. He
17 produced. He worked for -- I've never heard people
18 working for that many agencies. He worked for anybody and
19 everybody that would pay him. And imagine at some point
20 in time that he did his job so well that he was given a
21 car to drive for two years by the government. I don't
22 know which government, for free. First I've ever heard of
23 that.

24 And then, of course, is that he tells you that he was
25 in the same pod in Dillon County Detention Center with

1 Lorenzo Inman and with Damian Inman, and that all of a
2 sudden, and if you remember I asked him, "Well, you know,
3 what are your relationship with him?" He said, "I don't
4 have a relationship with him, with Damian Inman. What's
5 your relationship with Lorenzo Inman? I don't have a
6 relationship with Lorenzo Inman."

7 And he says out of all of these people, the fact that
8 he has no relationship with them, the fact that they had
9 been in the detention center awaiting trial for all this
10 time that they would tell nobody except for the biggest
11 confidential information I have every heard. They told
12 nobody except, you know, law enforcement's biggest snitch.

13 Snitch is not a bad thing if you're honest. Told it
14 to nobody else except for him the whole time they were in
15 jail. That's really convenient. That's quite a
16 coincidence. Wow, do you really believe that? And then
17 he says, "Well, well, they actually, you know, what they
18 were telling me is that when they were saying they were
19 saying it, and there was -- they were just bragging about
20 it, yelling about it. And there was a bunch of federal
21 inmates around, and they were just writing up what they
22 were saying. Yeah, they were writing it up."

23 And then when I asked him about the federal inmate
24 issue he said, "Oh, I don't know anything about federal
25 inmates." And he finally admitted that he knew about the

1 downward departure system. And the whole purpose of that
2 is and the whole purpose about all this stuff and federal
3 inmates within the detention center, and you may not have
4 understood why but I will explain it to you. The whole
5 purpose about asking the questions about federal inmates
6 within the detention center and the down departure system,
7 you know, that both the federal and the state government
8 has, but it's much more significant and developed on the
9 State level than it is on the federal level is than the
10 State is.

11 And I think also Detective Turner and also Detective
12 Rogers cleared it up that. Is that federal inmates, and
13 he says that this is very desirable, Detective Rogers,
14 among federal inmates. When you have a federal inmate who
15 is charged with a crime and they're facing a lot of time,
16 you know, underneath the federal system they have what's
17 called a downward departure. You know, downward departure
18 is 35(B) 5(K)1 in which the federal government says, "We
19 will pay you if you snitch on other inmates within the
20 prison."

21 So if you're in the detention center and you hear
22 some guy talk about his case or if you become a witness in
23 connection with someone else's case and you help us
24 prosecute somebody else, you know, with the federal
25 government or the state, you help out with the prosecution

1 of someone else we will give you a time reduction. So if
2 you've got a 20 year sentence you can get it reduced. And
3 guess what? You can get more than one downward departure.

4 So when Detective Rogers says, "This is very
5 desirable among federal inmates. They are looking for
6 downward departure." They're looking to snitch their time
7 down as low as possible. And the reason why that's real
8 important is that when Eddie Boone says all these federal
9 inmates who would die for a downward departure that they
10 were sitting there and they were writing this stuff down.

11 And I said, "Did any of these federal inmates ever
12 contacted you or anyone else and says 'I have a confession
13 from Damian Inman or Lorenzo Inman'; that we never
14 received any such communication from any federal inmate
15 even though, you know, that is extremely desirable among
16 federal inmates." It's a way for them to get their time
17 down, you know. You know, and they significantly reduce
18 their time.

19 So you better believe that if a federal inmate, if he
20 has something on you, he's going to turn it because he's
21 going to get that downward departure. He's going to turn
22 you in as quick as he can snap his fingers. But not one
23 federal inmate contacted these detectives or anybody else
24 to get a downward departure by giving statements against
25 these guys. The only person who said he did it out of

1 kindness of his heart is Eddie Boone, and do you believe
2 that? It's not true. It's not true whatsoever.

3 Even though he would like for it to be true it's not
4 true. That's their star witness. That's the guy they're
5 saying proof beyond a reasonable doubt is coming from
6 Eddie Boone. The same guy that you heard lied to law
7 enforcement back in '97, giving false information to law
8 enforcement. So he's already demonstrated that he would
9 lie to authorities if it benefited him. He's an
10 opportunist.

11 Back in '98 he was charged with giving false
12 information to law enforcement. Eddie Boone is their
13 proof beyond a reasonable doubt. You should have
14 tremendous doubt about Eddie Boone. Not because I tell
15 you to but because the facts are there. You know. I
16 don't have to explain it to you any further, and I'm not.
17 We all know what Eddie Boone is.

18 Now, let's talk a little bit about the law, and I'm
19 going to sit down and shut up cause I know you're ready
20 for me to do that. Now, he's been charged with a lot of
21 offenses. He's been charged with murder, armed robbery,
22 kidnapping, conspiracy, first degree burglary and armed
23 robbery.

24 And I know the Judge hasn't asked this but does
25 anybody need a break? Your Honor, I think they may need a

1 break. I'll let you question them in reference to that.

2 THE COURT: Does anybody need to take a brief recess?

3 JURY FOREPERSON: I have to use the bathroom.

4 THE COURT: All right. Let's just pause here.

5 Remember, don't discuss the case. Let's go ahead and take
6 a brief recess. We will come back in in ten minutes and
7 we will resume.

8 (WHEREUPON, the jury panel was excused from the
9 courtroom at 4:02 p.m.)

10 (WHEREUPON, Court was in recess at 4:02 p.m. and
11 reconvenes at 4:11 p.m.)

12 (WHEREUPON, the jury panel enters the courtroom at
13 4:13 p.m.)

14 THE COURT: All right. All jurors are back. You may
15 continue.

16 MR. BROOKER: Thank you, Your Honor. I think I was
17 going -- I told you I was about to be going into the law.
18 I'll make one more statement about Mr. Boone before I go
19 on to the law is that if you can remember that Mr. Boone
20 gave his statement, gave his statement to law enforcement.
21 I think one of them was on the 24th, and the other one on
22 June 30th of 2009. He gave his statement to law
23 enforcement.

24 And if you can remember I asked the Detective,
25 "Mr. Boone gave his statement to law enforcement with this

1 alleged confession 11 -- somewhere around it was 10 to 12
2 days after Mr. Inman, Damian Inman, had already given a
3 statement." And if Damian Inman had already given a
4 statement to law enforcement and had already admitted to
5 being at the scene why in the world would 10 or 12 days
6 later to a perfect stranger he would give another one that
7 was hurtful, tremendously hurtful.

8 And given to nobody else, you know, except Eddie
9 Boone. And the same thing also goes for his statement
10 that he gave in reference to Lorenzo Inman. These
11 confessions came after, long after, Damian Inman had
12 already given a statement from Mr. Boone. Now, like I
13 said let me move on from Mr. Boone, and you will go back
14 and deliberate about Mr. Boone yourself.

15 But let's go to the law very quickly. After then
16 after that like I said I'm going to sit down and shut up.
17 But I need to talk with you about the law for just a
18 little bit. I need to talk with you about the law just a
19 little bit. Now, before we took a break I told you all
20 the offenses that Damian Inman is charged with. Charged
21 with murder, kidnapping. He's charged with first degree
22 burglary, armed robbery, and felon in possession of a
23 firearm. And there may be one other.

24 But he's charged with all these offenses. And one of
25 the things you will have to do, and the Judge is going to

1 instruct you about it is that every criminal offense, you
2 know, has elements to them. Every criminal offense has
3 elements to them which means that there are -- and what
4 elements are is that these are facts that have to be
5 proven. Facts that have to be proven. Like for instance
6 is that for murder, you know, in order, you know, for
7 there be a -- a person to be convicted of murder usually
8 the elements, you know, of murder, you know, involved, you
9 know, malice aforethought.

10 And, of course, is that, first, you have to prove
11 that the person committed the act that led to the
12 shooting. And then, of course, led to the death. You
13 have to prove that the person had forethought prior to
14 doing. What forethought means is that it was
15 pre-meditated. It was planned.

16 And, then of course, is there must be an element of
17 manslaughter. Must be an element of malice. So and
18 that's an example of just that every crime has elements.
19 And the State needs to prove a person guilty on each and
20 every element. I'm not going to got through them all
21 because there were a lot of them for those crimes. The
22 State has to prove each and every element beyond a
23 reasonable doubt. Each and every element.

24 You know, so, it's not a collective -- oh, well,
25 collectively do I think -- do I collectively think he was

1 guilty of murder. Do I collectively think that they have
2 proven manslaughter. Collectively do I think they have
3 proven armed robbery or first degree burglary. You have
4 to say, "Well, look at the elements of first degree
5 burglary." There are five elements to first degree
6 burglary. Have they proven the Element One beyond a
7 reasonable doubt. Have they proven Element Two beyond a
8 reasonable doubt. Element Three beyond a reasonable
9 doubt. Element Four beyond a reasonable doubt. Element
10 Five beyond a reasonable doubt.

11 And I know that's a tedious process, and that is a
12 tedious duty, but it's yours. It's yours and that's what
13 you're going to have to do when you go back there on each
14 and every element of the offenses as the Judge charges it
15 to you. And if you're not convinced of proof beyond a
16 reasonable doubt of each and every single element you have
17 to say that the State has not met that burden. And
18 remember we talked about the burden of them before.

19 If they met that burden the scale -- the State did
20 not met that burden. It's not guilty. That's what not
21 guilty means. Not guilty means that they did not meet
22 that burden. That is the purpose of beyond a reasonable
23 doubt.

24 Now, on opening arguments the State has basically two
25 tiers or like an alternate theory. One theory is that

1 John -- that Damian Inman committed the murder himself.
2 But, hey, if Damian didn't commit the murder, and you
3 don't find him directly to be the shooter of the gun,
4 then, hey, you've got to convict him under the what is
5 sometimes referred to as the Felony Murder Rule. As
6 Mr. Daniel might say the accomplice. He's an accomplice.

7 And Judge is going to instruct you with respect to
8 the Felony Murder Rule. And if you remember during
9 opening arguments that me and Mr. Daniel had a little bit
10 of a disagreement about it. And, you know, he explained
11 it well, and the way he explained it was if you get two
12 people that are involved within a criminal enterprise, you
13 know, then everybody -- every one of the individuals is
14 responsible for the crime.

15 And, of course, you can remember his explanation was
16 if you go out and decide to rob a bank and then, of
17 course, is that, you know, I'm the lookout person and you
18 go inside. And I have no knowledge that you have a gun.
19 No knowledge that you're going to hurt anybody when you go
20 in and you hurt somebody and you shoot and kill somebody.
21 The fact that I have no knowledge of that, the fact that,
22 you know, that I don't even have a gun, then, you know,
23 you can remember what the Solicitor said, "You're as
24 guilty of the crime as your cohorts that went in the bank
25 and did that?

1 If you can remember I explained it to you. It's not
2 that simple. It's not that simple in Felony Murder Rule.
3 And what the Judge is going to instruct you and I believe
4 under the Felony Murder Rule and the way it works is the
5 hands of one is the hands of all. Whatever it is. You
6 know, whichever one of those crazy things you want to call
7 it. You know accessory accomplice. You can call it many
8 things.

9 Okay, but what that means is and what it requires is
10 if you get two or more people that voluntarily agree to
11 enter into a criminal enterprise; that they have to
12 voluntarily agree to enter into a criminal enterprise, and
13 than they entered into that criminal enterprise or they
14 entered into that criminal plan. And while they're
15 carrying out the criminal plan one person engages in a
16 homicide.

17 And the additional requirement is that the criminal
18 enterprise they chose to engage in that the homicide has
19 to be a probable or natural consequence. Or probable or
20 natural consequence. I want to make sure that I say it
21 correctly. Probable or natural consequence, you know,
22 from the criminal enterprise. And I'll give you a quick
23 example that will make it clear.

24 If I said, "Hey, let's go to the high school of our
25 opponent and break in and steal their mascot. You know,

1 let's go to the high school and nab their pelican. The
2 high school has a rival with the pelicans. And we went
3 over there and did that. And then all of a sudden
4 something went terribly wrong and someone dies. And me
5 and a couple of guy who decided to do that, you know, are
6 we then guilty of murder if one person engages in that
7 conduct during the time in which we had this prank to go
8 in the school and steal the opposing mascot for the other
9 school.

10 And what the Felony Murder Rule says, "No. We may
11 not be" because what the Felony Murder Rule says is that
12 the original criminal enterprise that you attempt to
13 engage in was the murder a probable, foreseeable
14 consequence of that particular criminal enterprise, of
15 that particular criminal act.

16 So whether or not it was a probable and natural
17 consequence when we went and we decided we were going to
18 go in and, you know, break into the local high school of
19 our rival and steal the mascot and all of a sudden someone
20 gets killed as a result of that was that homicide a
21 natural and foreseeable consequence of us planning to go
22 break into that high school and steal the local mascot --
23 the rival mascot.

24 No. There are a number of factors that you want to
25 take a look at in determining whether or not it's a

1 natural and foreseeable -- natural consequence flowing
2 from the original criminal enterprise. One of the things
3 that I believe you should take a look at is what is
4 that -- what's the location. The original criminal
5 enterprise and the homicide, did they occur at the same
6 location or they did not. They're distinct in locations.
7 One crime took place in one place and another took place
8 at another place.

9 Another thing that you want to take a look at to see
10 whether or not the homicide is naturally flowing or
11 connected to the original criminal enterprise is also
12 time. What is the expand in time between the occurrence,
13 you know, of the originally agreed upon enterprise,
14 criminal enterprise, and the homicide. Is there a great
15 gap in time between them.

16 That's how we try and figure out, okay, you know, is
17 the homicide a natural flowing consequence from the
18 original criminal enterprise. And, ladies and gentlemen,
19 I can look into your eyes, and I know this is all
20 complicated. It is. I've been doing this a long time,
21 and it's complicated for me. But this is our law. And
22 this is what we have to do.

23 And you're going to go back there, and I know you're
24 going to go through this as best as you can, but please do
25 that. Don't go off. Go back, look at the elements of

1 these particular crimes and look at the facts and try to
2 apply them as best as you can. And the reason why we have
3 to do that is that you hear this all the time that the
4 United States is the greatest, you know, social political
5 system that -- governmental system that exists on earth,
6 and it is.

7 And one thing that makes us great is that we don't do
8 this like in the old days where when we had a dispute you
9 just walk outside and strap on your six gun and whoever
10 was left standing that's who was right. You know, it's
11 not like what we see in the movie with John Wayne. You
12 know, we have a civilized system, and in that civilized
13 system we rely on the jury to sit back and to listen to
14 the evidence, and it's our system. And it's an important
15 system. It's why we are who we are. That's what makes us
16 the United States of America.

17 And you have a job to do, and I beg and plead with
18 you to take it just as seriously as the soldier on the
19 battlefield cause I think you can remember at the
20 beginning of this thing the Judge compared, may have
21 compared, the service, jury service, you know, to that.
22 And a lot of people do compare jury service, you know, to
23 your military service. It's just that vital. It's that's
24 vital to the existence of our society. It's that vital.
25 We would crumble without you, without jurors, to take this

1 seriously.

2 Now, I'll say this last thing, and then, of course,
3 I'll leave you. And that is I know that you're tired.
4 And when you go back in that jury room you're going to
5 have to shift through all of this evidence, you know, the
6 gun and all of these documents, all of these photographs
7 and make your decision. And you're going to have to make
8 it as a professional juror. And let me explain to you
9 what that is. And that's each and every one of you and
10 when you go back in there you have to make a decision as
11 to whether or not proof beyond a reasonable doubt is
12 satisfied.

13 And no one person can make it for the other. This
14 juror cannot decide for this juror. Juror One can't
15 decide for Juror Two. Juror Two can't decide for Juror
16 Three. Juror Seven can't decide for Juror 13. Each and
17 every one of you have to be convinced in you own mind, and
18 you have to make you own decision. That's the whole
19 purpose of having, you know, multiple jurors with
20 different backgrounds, with different thought processes.

21 And, obviously, is you're going to talk amongst each
22 other. And you've got to keep an open mind, but at the
23 end of the day, at the end of the day, you have to be
24 convinced regardless of what the person next to you is.
25 You, each and every individual, has to be convinced of

1 proof beyond a reasonable doubt to all the charges and to
2 all the elements of the charges. That's what you have to
3 do.

4 And just finally is, and the Judge is going to tell
5 you this. I'll tell it to you quickly. Mr. Inman didn't
6 testify. And that's not to be held against him. Like I
7 said, if you can remember at the beginning of the trial,
8 Mr. Inman didn't have to prove his innocence. No
9 individual is required to. Mr. Inman, if he wanted to he
10 could sit at that desk and go to sleep if the Judge would
11 allow it, but I don't think he would.

12 But I'm saying that to say is that he has absolutely
13 no responsibility. He doesn't have to do a thing. He
14 doesn't have to lift a finger. Nothing at all. The
15 burden rests solely and completely and squarely on the
16 State. If they want to take his freedom they have to take
17 it by proof beyond a reasonable doubt. They want to take
18 any citizen's freedom they have to take it by that
19 standard, and it's a very serious standard.

20 So just keep that in mind and I would say to you
21 before I walk away is I know that I talk a lot. And I
22 know that I probably put some of you asleep. And if I
23 could bottle this and sell it I would probably be rich
24 cause I think I'm the cure for insomnia. But I'll say to
25 you that whatever I've done don't hold it against Mr.

1 Inman. If I put you to sleep and bored the heck out of
2 you, don't hold it against Mr. Inman.

3 And I'm here trying to do my job and present the
4 facts, but if I did anything that's offensive do not hold
5 it against him. And if you can go in and follow those
6 principles that we just discussed, you know, I think
7 regardless of whatever you come out we that justice will
8 have been served and no one, no one, can complain because
9 this is a very serious case, you know, and obviously there
10 is a lot of emotion that's involved. And as I walk away
11 I'll say to you. Raw emotion is one particular thing that
12 you should never consider when you're back in the jury
13 room.

14 It's horrible to hear about the death of someone.
15 And it saddens people, but it's not an element of any
16 particular 0any of the particular offenses in which he's
17 charged with. And you have to be able to sit your
18 emotions aside and say, "I have to look at the facts. I
19 have be a professional juror." I feel sad at the death of
20 Ms. Stutts. You know, but I have to look at the evidence.
21 And do that, like I said, no one is going to complain
22 regardless of what the outcome is because you will have
23 been a professional juror and you would have done your job
24 exactly as the founders contemplated when they wrote it in
25 the constitution. Thank you very much.

1 MR. REDMOND: May it please the Court.

2 THE COURT: Yes, sir.

3 CLOSING STATEMENT BY MR. REDMOND

4 MR. REDMOND: Mr. Brooker, who is a friend of mine,
5 we just disagree, obviously, on this case. But you did
6 not put me to sleep. In fact I was listening very
7 closely, and there are several points that I want to touch
8 on off of what Mr. Brooker did say. But let me, please,
9 first start off by reintroducing myself. Again, my name
10 is Kernard Redmond. Assistant Solicitor Daniel spoke to
11 you in opening. I'm going to do the summation in this
12 case.

13 Let me thank you for your attentiveness. I know it
14 hadn't been a long time, but I know that, you know,
15 especially given that it's late in the day, sometimes
16 especially after lunch, it's sometimes challenging to try
17 to stay awake. So I will try to be as brief as I can.
18 There are things that I need to cover because this is an
19 important case. May not have lasted long, but we're
20 talking about the death of Ms. Mary Alice Stutts.

21 Seventy-five years-old. Kidnapped from her own
22 house. Taken out in the middle of nowhere here in Dillon
23 County and shot. To paraphrase Eddie, "Shot like a dog,"
24 but we'll get into that a little later. But I just want
25 to thank you cause I hadn't had a chance to talk to you

1 directly. Thank you for your willingness to serve and you
2 for the attention that you've paid during the case. And I
3 just ask that you bear with me just for a little while.

4 The main thing I want to talk about is reasonable
5 doubt. We hear that term a lot. We hear it on t.v. You
6 heard it in the courtroom over and over. And let me give
7 you an explanation to reasonable doubt as I see it. Of
8 course, anything that Mr. Brooker and I say is not
9 evidence or to be followed as it relates to the law. You
10 follow as His Honor, Judge Burch, gives it to you.

11 And I think reasonable doubt is going to go something
12 like this; that reasonable doubt is that doubt that causes
13 a reasonable person to hesitate to act. Doesn't mean all
14 doubt. It means that we have to remove -- we have to have
15 presented evidence that leaves you firmly convinced of a
16 defendant's guilt. And we will get into the evidence
17 that's been presented through the State in a little while.

18 But if, after the presentation of the evidence you
19 are firmly convinced that the defendant is guilty then
20 your verdict should reflected so. And we submit to you
21 that we have met that burden. And, again, I'll explain
22 that to you in just a little while. But before I do that
23 let me just briefly talk about the charges and then I'm
24 briefly going to talk about felony murder, accomplice
25 liability.

1 The defendant is charged with six charges that are
2 before you. He is charged with possession of a weapon
3 during the commission of a violent crime. He's charged
4 with criminal conspiracy which means, basically, getting
5 with at least one other person for the purpose of entering
6 into criminal mischief which we say occurred here. Then
7 we get into the extremely serious charges. He's charged
8 with armed robbery. As you heard and the evidence is
9 clear. There is no dispute that there was an armed
10 robbery that took place.

11 There is no dispute that Ms. Stutts was taken from
12 her residence at gunpoint and even pistol whipped. No
13 dispute on that. No dispute at all that that's what
14 happened. No dispute that the Defendant's [sic] home was
15 burglarized after she was encountered with this gun. And
16 went inside her house where, you know, rummaging, found
17 keys and, you know, got her car. Because they entered her
18 residence, because they entered her residence without her
19 consent for the purpose of committing a crime, then they
20 are also guilty of burglary in the first degree because
21 this also occurred while they were armed.

22 Then we get to kidnapping because then you hear about
23 what happened to Ms. Stutts when she was placed in the
24 trunk of her own car and taken out by my count
25 approximately 17-miles out on a Admiral Road, and then to

1 segway to the murder, she was shot twice in the head and
2 left down a ditch. There is no dispute that we have
3 satisfied the elements that this is what occurred with
4 Ms. Stutts.

5 But let me talk to you about accomplice liability
6 just briefly as it relates to the law on that. And
7 Assistant Solicitor Daniel actually said it a lot better
8 than I can. And, Mr. Brooker, everybody is giving
9 examples. And I'm sitting here thinking what is another
10 example that I can give. And I sat back and I thought
11 about it. This case is the best example that I can give
12 of accomplice liability.

13 You've got three defendants, including this
14 defendant, who stake out the residence. We've heard
15 testimony about them being in the neighborhood. Stake out
16 the residence and then the events transpired as they did
17 leading to her death.

18 Now, when we he talk about felony murder and
19 accomplice liability the hand of one is the hand of all.
20 And it was quite a bit of time spent on natural
21 consequences, and I'm sitting here thinking in my mind,
22 and I hope this is not what Mr. Brooker is trying to I
23 guess sell you on, is that a natural consequence of going
24 to a 75 year old lady's house with a gun to rob her, are
25 you telling me that a nature consequence that is not

1 foreseeable is that she would end up dead in you introduce
2 a weapon into the robbery.

3 When he spent all that time talking about the --
4 well, you know, is it a natural consequence. Of course,
5 it's a natural consequence. If I introduce a gun into a
6 robbery a natural consequence is that it is absolutely
7 foreseeable that somebody is going to end up dead. We
8 know that because it happened here, and is it a stretch to
9 think that, yes, that's absolutely a natural consequence.

10 The point is this; if I enter into an agreement to
11 rob Mr. Daniel. If Detective Rogers and I enter into an
12 agreement to rob Mr. Daniel, he's got the gun, but I
13 don't. But we have agreed to enter into it, and keep in
14 mind that they were staking out together. You heard from
15 Ms. Alford they were staking out the neighborhood.

16 If Deputy Rogers decides, 'you know what. We're
17 going to pistol whip him and let's just kill the S.O.B,'
18 referring to Mr. Daniel, and I don't really mean that. I
19 could not resist that illusion. But, anyway, if we
20 agreed -- if we agreed to rob a man, and Detective Rogers
21 decides, well, you know what. Let's just kill him and he
22 decides to shoot him because I entered into the agreement
23 to engage in the armed robbery I am just as guilty as if I
24 pulled the trigger. The hand of one is the hand of all.

25 The trigger finger of one is the trigger finger of

1 all. The blood of Ms. Stutts is on every one of their
2 hands. It's that simple. Then -- and actually, duress.
3 You will be instructed on mere presence and duress, and
4 I'll talk about that real briefly. It wasn't really much
5 argument on mere presence because we've got several scenes
6 here. We've got the scene at Ms. Stutts' house. We've
7 got the scene as they put her in her car. Kidnapping her
8 and carrying her 17 miles out on Admiral Road. Being
9 present the whole time.

10 And that's another thing. No dispute that he was
11 there. No dispute that he was there, and there is no
12 dispute that he took an active involvement. I'll get into
13 that in a little while. But for the purposes of him being
14 merely present I think Mr. Brooker rightfully did not
15 argue that because it would be somewhat asinine to do
16 that. We know that he was more than merely present during
17 this heinous, heinous event that ended the life of Ms.
18 Stutts.

19 Interestingly, and I'll obviously talk about Eddie
20 Boone, but I was kind of looking at my watch when he
21 started talking about duress. Talking about the
22 defendant's statement. And there was precious little time
23 spent on that. I counted about a couple of minutes where
24 we had a whole lot of time spent on Eddie Boone.

25 Now, if you read the defendant's statement he was

1 basically trying to plant the seed that, oh, I was forced
2 to do this. Blah, blah, blah, blah, blah. Well, I like
3 to look at things in a situation like this and look at
4 what transpired before, during and after. That gives you
5 a more accurate picture of what really has taken place and
6 what the Defendant's mindset really was.

7 I've already mentioned Ms. Alford. Ms. Alford had
8 testified that she actually saw the three of the
9 defendants -- the three individuals including the
10 defendant out there near Stewart Heights School. She was
11 out there about 6:30 in the evening I believe she said.
12 Ms. Stutts' house is only a couple of houses from there,
13 and she saw them I think -- you will recall the testimony,
14 but I recall it being three separate times when they
15 walked.

16 And one point it was just the defendant and his
17 brother that she saw, and then John Henry caught up to
18 them and then she saw them again. So I think it was three
19 times that she testified that she saw the defendants in
20 the neighborhood and she noticed him. This was over the
21 course, if I recall correctly, 30 to 45 minutes that they
22 were casing the neighborhood. I mean that's common sense,
23 ladies and gentlemen. They were casing the neighborhood
24 looking for a victim.

25 So that's how they were before. They were all

1 together before. They were together during this time
2 casing the neighborhood. You can infer from that that
3 they were together in the course of a conspiracy to cause
4 harm to someone. Unfortunately, that harm came to Ms.
5 Stutts.

6 Then, I like to be look at the during part, and this
7 is where we get into the defendant's statement. And let
8 me clarify something that counsel stated and I think -- I
9 know it is an error. If you recall the testimony from the
10 officers the search actually took place the day that
11 Ms. Stutts was found. She was found on the 18th of August
12 of 2009. The statement from the defendant, you will have
13 the evidence, was not until the 19th. So the defendant's
14 statement was actually after the firearms and the -- after
15 all the evidence had been collect.

16 So when he states that it was after the statement
17 that he went and got a search warrant he's got it
18 reversed. We had actually found all the evidence. We
19 found the ammunition in the defendant's bedroom before he
20 gave a statement on the 19th. So I just want to make sure
21 that that's clear in everybody's head. We didn't get a
22 search warrant based on anything the defendant said. We
23 had already had the evidence by the time he gave his
24 statement.

25 But I digressed. Getting back on track with his

1 statement. And Mr. Brooker indicates, and that's why I
2 say there is not an issue that the Defendant was there.
3 In fact the defendant himself through his statement
4 corroborates what what Agent Hallman told you; that you're
5 not going to find forensic evidence on everything. You're
6 not going to find prints or D.N.A. on everything.

7 Well, how does he corroborate that? He admits that
8 he was there. He was in the car for several hours. He
9 admits that he was at every location where they had taken
10 Ms. Stutts even up to and after she was dead. So when she
11 tells you that you're not going to find prints, not going
12 to find D.N.A. on everything all the time.

13 He just corroborated that because he has
14 acknowledged -- Mr. Brooker has just stood here and
15 acknowledged that he was there the entire time. He was in
16 that car. He was at the house. He was at Admiral Road.
17 He was in the car. So that's all the time I'm going to
18 spend, and the reason that we introduced that evidence as
19 it relates to the investigation is to show you how the
20 investigation transpired.

21 Let me narrow it down for you and present to you what
22 the issues are in this case. The issues in this; it's not
23 a question of whether or not the defendant was there.
24 It's whether the Defendant was involved. Whether the
25 defendant was involved in this particular heinous crime

1 and whether or not, whether or not, he fits the standards
2 that we discussed as it relates to accomplice liability.

3 But at the end of the day that is what this about,
4 his involvement. Everything else is not in dispute.
5 Let's narrow it down to this. Talking about his
6 involvement, what did he tell you he's done, and let me be
7 very clear on this. Do not for one second think that we
8 are contending that what he says; that everything in that
9 statement is true because I can submit to you it's not
10 because we introduced evidence to show that everything in
11 there is not true.

12 But there are certain aspects within his statement
13 that we can use and see, okay, yes. Like the fact that he
14 was there during the entire time. Like the fact, ladies
15 and gentlemen, that he had an active role because remember
16 he claimed that he was the one that backed the car up.

17 And back up to something Mr. Daniel said earlier.
18 Let me make this abundantly clear. You will be instructed
19 on the law. We are not required to show you exactly who
20 pulled the trigger. Now, I submit that we have through
21 Eddie Boone, I'll get to that a little bit later. But
22 that's not our requirement. So what I'm going to go
23 through is all of the evidence before we get to Eddie
24 Boone. And even with that evidence the State has met its
25 burden that the defendant is guilty.

1 So he talked about backing the car up. This occurred
2 based on his statement during the daytime or late evening,
3 late afternoon. Let's say broad daylight. If there are
4 three people there common sense, ladies and gentlemen,
5 tells us that even if each one of them is not physically
6 involved somebody was acting as a lookout. Mean to tell
7 me if somebody comes up that one of those three are going
8 to say, "Hey, look out. Somebody is coming." No. That
9 is an active involvement.

10 But he went beyond that. He's acknowledging he's the
11 one that backed the car in, Ms. Stutts' own car, that she
12 ended up being placed in and driven out to her execution
13 on Admiral Road. He also tells you that he had a role in
14 hiding evidence that we found in the search warrant. He
15 took ammunition. He took the ammunition for that gun and
16 that's what we found in the black bag.

17 So my whole point to that is that he actually had an
18 active involvement just by his own statement. He was
19 actively involved. But then let's go even further because
20 as I indicated he is not being truthful in that statement,
21 and here is why. In his statement he talks about the fact
22 that he had gone through, and I'm not going to waste your
23 time and try to read through it. But from what I can
24 remember he talked about going through Oakland, I believe
25 Jacksonville, Riverdale, I believe New Town.

1 He says that John Henry had forced him to do all
2 this. He was, you know, under duress. John Henry was the
3 ring leader. John Henry was 15 years old and officers
4 testified that this defendant was 17 at the time. His
5 brother was 18, but he's claiming that this 15 year old
6 was the ring leader was just dragging him all around town.
7 Common sense, ladies and gentlemen. I'm sure you will not
8 leave it with you in those chairs.

9 But anyway, in his statement he talks about the
10 places he goes. So what is it he skips? Ne never one
11 time in that statement mentions having gone home other
12 than at the end when he claims he was dropped off and that
13 John Henry said he was going to kill his brother if he
14 said anything. But he never mentioned the fact that
15 between 9:00 and 11:00, 9:00 and 11:00 they had made at
16 least two trips right there in his own neighborhood.

17 Now, this is a basic question as it relates to common
18 sense. Why, if I'm holding you in essence hostage as he's
19 trying to make it seem why am I going to carry you home?
20 Why am I going to carry you around in your neighborhood?
21 If anything I'm going to take you to an environment where
22 I can control you. These are the things that just don't
23 make sens as it relates to what this Defendant is trying
24 to feed you.

25 He also skipped the fact that he -- and he was in the

1 car with these three guys. And you heard testimony from
2 Sandra Thompson. They actually went to John Henry's
3 aunt's house. She saw the car. She saw him in the car
4 driving the car. But then there is another common sense
5 aspect that just from that passage right there. If he was
6 in the driver's seat of the car John Henry, who I guess
7 was threatening him and what not, and why didn't they
8 leave if he was in there for ten minutes. She was in --
9 excuse me. He was in her house for ten minutes. Why
10 didn't he leave? Why didn't he leave? He was driving the
11 car. Because he was not under duress, and again, these
12 are little --

13 And I agree with Mr. Brooker. Really delved into
14 details that on it's own might not think about it, but if
15 you look at it from a common sense standpoint it does make
16 perfect sense that it completely undermines his duress
17 argument. Had the chance to leave and didn't. But that
18 isn't the only time.

19 Then we get to -- I think after that we had
20 Ms. Jacobs testify that she had seen him. She knew him
21 from around the neighborhood. Seemed to be acting normal.
22 I mean she would notice somebody under duress and what not
23 especially since she had known him for a couple of years.
24 Nothing looked out of the ordinary. He talked with his
25 friends just like, you know, just like -- excuse me, young

1 people do. But she didn't detect anything.

2 But then we get to Jasmine Mearite, and the very last
3 thing I asked Jasmine was something I want you to take,
4 and you probably remember it cause at that point I had
5 some other questions, but when she said that I knew it was
6 time to shut up and sit down. And that's when she said in
7 addition to him acting normal, yeah, they were drinking.
8 Looked like they were walking in the park. Now, he's
9 claiming that he's under duress, but yet if you recall her
10 testimony she told you that she saw him twice.

11 Saw him in the car as I indicated. She saw him in
12 the car that first time with the other girlfriend where it
13 was discussed about, you know, taking a ride or whatever.
14 He didn't seem to be acting out of the ordinary. He was
15 actually in the back seat, and John Henry was in the front
16 seat. Which begs another question. If somebody is, and
17 I'm just talking about me, and again, you've got your
18 common sense with you. But if I am holding somebody
19 hostage do you think that I'm going to have any of the
20 people I'm holding hostage behind me?

21 And it's very clear and undisputed, he was in the
22 back seat. The defendant was in the back seat, but yet he
23 was being held hostage. Again, common sense, ladies and
24 gentlemen.

25 Then Jasmine tells you that, you know, they left

1 about 30, 45 minutes later. Came back walking. They come
2 back walking. Now, mind you, this is all in the
3 Defendant's own neighborhood. Come back walking. And at
4 that point in time is when, you know, they all were
5 drinking, and interestingly, she said John Henry wasn't
6 really saying that much. But, Russell, his brother and
7 Tweet, the Defendant, were acting normal. In fact they
8 were talking, drinking and stayed out there 45 minutes to
9 an hour. And at no point in time did she ever detect any
10 distress or anything out of the ordinary. And in fact she
11 indicated that, "Oh, they looked like they were ready to
12 go party."

13 You know, that's kind of the exact opposite of being
14 under duress. That's the exact opposite of being held
15 hostage. That is the exact opposite of being forced to do
16 something. I submit to you that at that point, at that
17 point, we have established -- because keep in mind. The
18 defendant is not acknowledging his presence, but he's
19 claiming he was there under duress.

20 And, of course, Your Honor is going to instruct that
21 duress is not a defense to murder, anyway. Not a defense
22 to murder. But be that as it may, he claims duress but
23 everything that occurred afterward through witnesses that
24 we presented totally undermines any duress argument. And
25 to be blunt, he was not under duress at all at that time.

1 In fact even further on, of course, he gets dropped off at
2 home. Through his statement he gets dropped off at home.

3 But at no time once getting dropped off at home, with
4 his brother being held hostage, does he tell anybody about
5 it? Now, well, that's because I was told that, you know,
6 he would kill my mom, kill my brother, and what not. But
7 this is your brother. You are so worried about his well
8 being, you are so scared that you tell nobody, you go to
9 bed, get up the next morning, go to school -- and talk
10 about clothing.

11 Of course, it stands to reason, common sense, when he
12 was arrested he wasn't wearing the same thing that he was
13 wearing the night before because he had gone to school.
14 But goes to school. There are school resource officers at
15 the school. We even heard testimony the school resource
16 officer was contacted to make sure Damian Inman, the
17 defendant, was at school once they arrested the other two.

18 So there was -- and that was all there. Didn't seek
19 any help and went on about life as normal. And the scary
20 thing is he went on with life as if nothing happened while
21 Ms. Stutts is laying dead in a ditch with two bullets in
22 her head. So that's the after portion of it.

23 Now, when you look at that, when you look at just
24 that, as it relates to accomplice liability, the hand of
25 one is the hand of all, the State, we submit, has met its

1 burden. Between his statement and what we have presented.
2 He's claiming duress. We know that wasn't the case. He
3 was hanging out with them before, during and after as if
4 he was just right along with everybody else, right along
5 with the defendant.

6 But then there is more. Then we get to Eddie Boone.
7 And these officers testified, obviously, about the fact
8 that nobody had been promised anything or in anyway paid
9 or anything like that to give any testimony in this case.
10 But one of the things you do when you're judging the
11 credibility of a witness is you judge how they are on the
12 witness stand. What's their demeanor on the witness
13 stand. How believable is what they're telling you.

14 And another thing I'll tell you that's indicative of
15 how well the person, the witness testifying, is willing to
16 actually engage the defendant. And by I mean when Mr.
17 Brooker was questioning him, and even when I was
18 questioning him, especially on cross examination, what did
19 he did emphasizing? The fact that this defendant told
20 them exactly what he had done.

21 And even with Eddie we got even more information that
22 what his brother had indicated before as well as it
23 relates to what his brother had done. And let me just
24 quickly address. There was some discussion about what the
25 'he' represent. When you get the statement that Eddie

1 Boone gave regarding Lorenzo Inman, in evidence, you will
2 see that the beginning of that passage he's talking about
3 what Lorenzo Inman says the Defendant did. And the, 'he'
4 perhaps there is a Lorenzo Inman indicated that he ought
5 to, and I'm going to paraphrase, have sexual relations
6 with Mr. Stutts.

7 The next sentence is, "Then he pulled out a gun and
8 shot her." And Eddie explains that's referring to what
9 Lorenzo says the defendant did. And when you look at it
10 in context it is obvious that that is exactly what he's
11 saying. But look at what Eddie was bringing to the table,
12 and here is the thing that I want to highlight. He talked
13 about the fact that he does work with law enforcement as a
14 confidential informant.

15 Let me just be clear on that. That is a very
16 dangerous job because he came to Court today and he told
17 everybody exactly what he did. Who he did it with. But
18 because, you can tell. The nature of what the defendant
19 and his brother told him appalled him so bad that he was
20 willing to take that risk because he felt for the family's
21 sake that you needed to hear exactly what this defendant
22 said. So we can go through all of this stuff and try to
23 go around the room about what Eddie Boone is.

24 No, Eddie Boone, to be blunt, put his life on the
25 line by getting on that stand. He had knowledge to gain

1 from it. Didn't -- in fact, remember he stayed -- he
2 stayed in jail for two extra weeks after he had given both
3 statements. He was not doing this for any benefit. He
4 was doing it as he told you because he thought about his
5 own mother. And I'll be honest with you. I don't know of
6 too many of us that work this case, because of the nature
7 of what happened, don't do that exact same thing as it
8 relates to our mother. Because it was atrocious and sad
9 what happened to Ms. Stutts.

10 Beyond that. Beyond atrocious and sad and
11 unconscionable when Eddie was testifying he talked about
12 the fact that Lorenzo -- excuse me; that the Defendant was
13 grinning. I mean it was like -- it was almost like he was
14 bragging about it. But when you judge the demeanor of a
15 witness did he seem scared to confront the defendant. I'm
16 going to be honest with you. If we had allowed him to
17 have a straight line at the defendant I submit to you that
18 he probably would have taken advantage of the opportunity.

19 That's how much anger, that's how much emotion I saw
20 from Eddie Boone as he was testifying. He was upset about
21 what he heard and the fact that this defendant was so
22 callus about it that it just didn't matter to him because
23 as I said -- he said -- the defendant said, "Like killing
24 a dog." So for all the issues the Defense tries to drum
25 up about Eddie Boone you judge what you saw and what you

1 heard and how he presented himself. That's what tells you
2 what the credibility is.

3 He freely acknowledged the fact that he had prior
4 problems with the law. Didn't have a problem. And in
5 fact, interestingly, when there was an exchange about the
6 hand of one is the hand of all he was like, "Look, my
7 brother was charged in it, too, even though I was the one
8 who actually did it. My brother was charged." He's a
9 sitting example of hand of one is the hand of all.

10 We appreciate that. So from sitting on the stand I
11 submit to you that Eddie Boone, and let me be clear on
12 this. Obviously, by putting him up we indicate that we
13 absolutely believe that the defendant was the trigger
14 person; that he was the shooter. But Mr. Brooker is
15 absolutely wrong when he tells you that that's our only
16 witness. I just went through how he acted before, during
17 and after as it relates to his guilt.

18 The Defense is asking you to split hairs in this
19 particular case. They're asking you to split hairs. Some
20 things are common sense, ladies and gentlemen. There is a
21 saying in the legal -- in the civil side mostly where we
22 call res ipsa loquitur, this thing speaks for itself is
23 the definition of it in the civil world. That way when
24 you say something, you know what; that pretty much speaks
25 for itself.

1 This is a situation, ladies and gentlemen, that
2 speaks for itself. He is asking you to believe that he
3 was involved from the time that Ms. Stutts was approached
4 until she was killed, riding around in her car afterwards,
5 having stuffed her body in a ditch and he's asking you to,
6 I was just merely present. I was acting under duress.
7 Every single thing other than his statement contradicts
8 that. Ladies and gentlemen, and just bear with me for a
9 minute. A case like this is so unspeakable that sometimes
10 before I come to stand before you I think of, okay, what
11 way can I get through to the jury.

12 And there was a time when I actually got into the
13 trunk of a car because I wanted to see how it felt. But I
14 can't tell you how it felt and it was disrespect -- and,
15 Your Honor, and I apologize. That's all. I'm not even
16 getting into that aspect of it.

17 MR. BROOKER: We might need to approach. I don't
18 want to disturb your thing, but, Your Honor, can we
19 approach?

20 MR. REDMOND: I don't have a problem if he wants to
21 approach.

22 THE COURT: Yes, sir.

23 (WHEREUPON, a bench conference was held off the
24 record in the presence of the jury, but out of the
25 hearing of the jury.)

1 MR. REDMOND: Before he objected I wanted to
2 apologize because it was disrespectful to try to do that.
3 Here's why it's disrespectful. Because I was not what
4 pistol whipped in my own residence. Just because I was
5 kind enough to help three guys get water on a hot day. I
6 wasn't pistol whipped like that. I was not stuffed into
7 the back of my own vehicle. And driven in my own blood in
8 that trunk 7-miles out, out to Admiral Road not knowing
9 what my ultimate outcome would be. I was not dragged out
10 of my own trunk. I was not dragged out of my own trunk
11 out on a dirt road in a thicket out in the middle of a
12 field begging for my life.

13 I was not made to beg for my life. I was not then
14 summarily executed in the face and in the head. I was not
15 been dragged into a canal, ditch, whatever you want to
16 call it, 50 feet presumably to be out of view. So I can
17 just rot and decompose. And I apologize for the words I'm
18 using cause that's how she was left.

19 And what did they do afterwards this defendant under
20 so much duress. He goes out drinking, trying to pick up
21 girls, going out partying. Wanting to party. Got up,
22 went to school the next day like it was nothing until law
23 enforcement thankfully was able to get this case resolved
24 and get him in custody.

25 You know, ladies and gentlemen, as a prosecutor we

1 have to deal with difficult cases, difficult subject
2 matter. That's what we do. Doesn't necessarily make it
3 easy for me, and there are some cases that do leave you
4 scratching your head and thinking what is this world
5 coming to that a 75 year-old lady, almost 76, has to beg
6 for her life. You know, my mom is 74 this year, so yeah,
7 to say it doesn't hit home would be a lie. I'm human. It
8 hits home, and that's why, ladies and gentlemen, I am
9 asking that you consider all of the evidence and I submit
10 to you do not leave your common sense out here because I
11 would submit to you that in this case there is only one
12 verdict, one verdict, that brings true, true justice in
13 this case.

14 And the defendant, Damian Inman, on his conspiracy
15 charge, on his possession of a weapon during the
16 commission of a violent crime, on armed robbery, with his
17 burglary charge, with his kidnapping charge, and
18 ultimately with the murder of Mary Alice Stutts, one
19 verdict that speaks justice in this case. And you know
20 what I'm about to say because I submit to you that that is
21 what we have shown.

22 Ladies and gentlemen, we submit that you should be
23 firmly convinced that the Defendant is guilty of these
24 crimes against Mary Alice Stutts, and we look forward to
25 your verdict reflecting such. Thank you.

CHARGE OF THE COURT

THE COURT: Thank you, gentlemen. All right. All jurors okay? We need a brief recess cause the next phase is the charge. It's going to take a little while. Everybody all right. Okay.

Madam Forelady and ladies and gentlemen, if I can have your attention. It now becomes my duty as the trial judge under the constitution of this state to charge and instruct you the law applicable to the case. And it's your duty as jurors to accept and apply the law as I state it to you. It's your exclusive duty to decide all the issues of fact in this case, and for that purpose to determine the affect, the value, the weight and the truth of the evidence.

Both the State and the Defendant have a right to expect that you will consciously consider and evaluate the evidence and apply the law of the case thereto to the end that both the State of South Carolina and the Defendant receive and obtain a fair and impartial trial in this case.

The State of South Carolina, by the bills of indictment in this case, charge the Defendant with the offences of murder. I need the indictments back. Armed robbery, kidnapping, burglary, possession of a weapon during a violent crime or commission of a violent crime,

1 criminal conspiracy. To the charges and the indictments
2 the Defendant has entered pleas of not guilty. Pleas of
3 not guilty by a defendant places the burden of proof on
4 the State to prove the guilt of the defendant beyond a
5 reasonable doubt before you the jury can find the
6 defendant guilty.

7 The defendant, as all defendants, is presumed in law
8 to be innocent of the charges contained in the indictment.
9 It's a cardinal fundamental rule of law of evidence,
10 irrespective of the enormity of the charges against him
11 will always be presumed innocent of the crimes for which
12 he is indicted unless and until the guilt of the Defendant
13 had been proved by evidence that satisfied you the jury of
14 his guilt beyond a reasonable doubt.

15 Presumption of innocence is not just a mere legal
16 theory. And it's not just a legal phrase. It is a
17 substantial right which every defendant, every accused
18 person, is entitled. The Supreme Court declared the
19 presumption of innocence is like a robe of righteousness
20 placed about the shoulders of a defendant and remains with
21 him and assigns him to the class that, the innocent, until
22 that presumptive robe of righteousness has been stripped
23 from his person by evidence satisfying you the jury of the
24 guilt of the defendant beyond a reasonable doubt.

25 Presumption of innocence accompany a defendant from

1 the time of his arrest and arraignment and appearance in
2 the court and continues with the defendant throughout
3 every stage of the trial and continues with the defendant
4 until you retire to the jury room to deliberate your
5 verdict.

6 The presumption of innocence continues in existence
7 to the benefit of the defendant until you the jury reach
8 the conclusion that that the State has proved the guilt of
9 the Defendant beyond a reasonable doubt. The State is not
10 required to prove the guilt of a Defendant beyond all
11 doubt or beyond every doubt but beyond a reasonable doubt.

12 Some of you may have served as jurors in civil cases
13 where you were told it was only necessary to prove that
14 the fact is more likely true than not true. In criminal
15 cases the government's proof must be more powerful than
16 that. It must be beyond a reasonable doubt. Beyond a
17 reasonable doubt is proof that leaves you firmly convinced
18 of the Defendant's guilt. There are very few things in
19 this world that we know with absolute certainty, and in
20 criminal cases the law does not require that proof
21 overcome every possible doubt.

22 If based on your consideration of the evidence you
23 are firmly convinced that the defendant is guilty of the
24 crime charged you must find him guilty. On the other
25 hand, you think there is a real possibility that he is not

1 guilty you must give him the benefit of the doubt, and find
2 him not guilty.

3 A defendant is the entitled to every reasonable doubt
4 arising in a case. If upon any fact essential to
5 conviction and a verdict of guilty and you have a
6 reasonable doubt as to how that issue should be resolved
7 it would be your duty to resolve that in favor of the
8 defendant. A defendant is not required to prove his
9 innocence, but the State is required in law to prove every
10 essential element of the charge against the defendant by
11 evidence which satisfies you the jury of the guilt of the
12 defendant beyond a reasonable doubt before you could
13 convict the defendant and find him guilty.

14 If then upon the whole case you have a reasonable
15 doubt as to the guilt or the innocence of the defendant he
16 is entitled to that reasonable doubt and would entitled to
17 an acquittal and verdict of not guilty. But on the other
18 hand if upon the whole case you find that the State's has
19 proved by evidence which satisfies you the jury of the
20 guilt of the defendant beyond a reasonable doubt then in
21 such circumstance it would equally be your duty to convict
22 the defendant and find him guilty.

23 The indictments that up here in my hands a few
24 minutes ago are not evidence and cannot be considered by
25 the jury as evidence in the case. An indictment is a

1 formal written instrument by which a charge is processed
2 into the Court.

3 Now, during the trial each of us, you and I, have
4 certain duties to perform. As the trial judge it's my
5 duty to preside upon the trial of the case. And I also
6 have the duty to rule upon or pass upon the admissibility
7 of the evidence offered during the progress of the trial.
8 You are to consider only the competent evident before you,
9 and you are to disregard and disabuse from your mind any
10 testimony ordered stricken from the record of this case
11 during the progress of this trial.

12 And you are to consider only the testimony which has
13 been presented from the witness stand together with any
14 exhibits admitted into the record of this case and any
15 stipulations of counsel made into the record.

16 I have the additional duty to charge you the law
17 applicable to the case. As the presiding judge I am the
18 sole judge of the law of the case, and it is your duty to
19 accept and apply the law as I state it to you. If you
20 have a preconceived idea as to what the law is or what the
21 law ought to be in this case and it does not or doesn't
22 agreed with what I tell you the law is you are obligated
23 under your oath to abandon this preconception on your part
24 because you are sworn to accept the law precisely as I
25 state it to you.

1 In every case tried in this court before a jury the
2 jury becomes the sole and exclusive judge of the facts in
3 the case. You the jury are the judge of the facts in this
4 case, and the Court is the Judge of the law. The
5 constitution of the state has declared that a trial judge
6 shall not intimate, state, comment upon, or make any
7 statement to the trial jury about the facts in a case.
8 Since you are the sole judge of the facts you are not to
9 infer from anything I have said during the progress of
10 this trial in ruling upon the admissibility of evidence
11 otherwise or anything that I say during this course of the
12 charge to you that I have an opinion about the facts in
13 this case.

14 The law doesn't permit me to have an opinion. That
15 is a matter solely for you the jury to determine. As
16 jurors then it is your duty to determine as I have stated
17 to you the affect, the value, the weight and the truth of
18 the evidence presented during the course of this trial.
19 Necessarily then you must assess the credibility of the
20 witnesses who have testified in this case.

21 Credibility is simply a legalistic term which means
22 believability. It becomes your duty then to analyze and
23 evaluate the evidence and to determine that evidence which
24 convinces you of its truth.

25 I charge you that in determining the question

1 creditability or believability of a witness you may
2 believe one witness as against several witnesses or
3 several witnesses as against one witness. You may believe
4 a part of the testimony of a witness and reject the
5 remaining part and testimony of that same witness. You
6 may believe the testimony of a witness in its entirety or
7 you may reject the testimony of a witness in its entirety.
8 You may consider whether any witness has exhibited any
9 interest, any bias or prejudice in this case.

10 You may consider the demeanor of a witness, the
11 appearance of a witness from the witness stand and you may
12 consider the opportunity for knowledge concerning those
13 things about which a witness testified. And in doing so
14 and in exercising your mental processes and in determining
15 what you consider to be true the law simply requires that
16 you exercise your good judgment, your common sense, your
17 sense of logic and reason, and your experiences in life.
18 there is an old saying, 'you don't leave you common sense
19 at the court house steps'.

20 The law is based very heavily on common sense. That
21 is simply what our system asks that you do; to apply
22 common sense and analyze the evidence with common sense
23 and good judgment.

24 Once again, you are to try to determine this evidence
25 and determine this case based on the evidence that's been

1 presented in Court. It has nothing to do with anything
2 that you may have seen on television or at the movies or
3 anything that you have observed at a theatre or outside of
4 this courtroom. You are to try the case based on what is
5 before you properly in this Court.

6 You apply your attributes of common sense and your
7 ability to analyze evidence, and you should determine what
8 you consider the truthful evidence, and to these true
9 stated facts as determined by you the jury you take and
10 apply the law as I state it to you and thus arrive at true
11 verdicts in this case.

12 Now, before I get into the actual offenses that are
13 charged here we did some have some expert testimony in
14 this case and let me talk with you about that.
15 Considering the opinion of an expert witness that has been
16 admitted in the case you should consider the factual
17 evidence first. An expert may base his or her opinion
18 upon the factual evidence presented at trial.
19 Alternatively, the expert may base the opinion upon facts
20 and data that are not in evidence. You may consider the
21 expert opinion if you find the testimony is based upon
22 facts that are reasonably relied upon by the experts in
23 that particular field.

24 You must consider expert testimony in the same manner
25 as you do any other testimony and give it such weight as

1 you may believe it is entitled when considered with all
2 the other evidence in the case. Such testimony is given
3 for the purpose of helping you understand the evidence and
4 not for the purpose of controlling your judgment. The
5 value of it does not depend upon the skill and the
6 knowledge professed by the expert but rather upon the
7 skill and knowledge he or she actually processes.

8 It is for you to judge whether he or she possess such
9 knowledge. In this regard you may consider his or her
10 training, experience, ability to communicate their ideas,
11 the logic of their opinion, the factual support for their
12 opinion, and all other factors as you would judge and
13 weigh the testimony of other witnesses.

14 The value and the affect of expert testimony is a
15 matter solely to be estimated by you the jury. No mere
16 opinion of an expert can be accepted as in and of itself
17 truthful or reliable but must be weighed by you and
18 convince your judgment beyond a reasonable doubt that the
19 same force and affect as any other fact proved in this
20 case before you can reply upon it as the basis for a
21 conviction.

22 You have heard the testimony of witnesses who have
23 special knowledge, skill, experience, training or
24 education in a particular field, and who have given their
25 opinion as an expert as to matters that they are skilled.

1 In determining the weight to be given such opinion you
2 should consider the qualifications and credibility of the
3 expert and the reasons given for their opinion. You are
4 not bound by such opinion. Give it the weight if any to
5 which you deem it entitled.

6 Now, let me speak with you about evidence. Now, I in
7 no way tell you what is present as far as evidence in this
8 case, but in cases you may have two types of evidence
9 which are generally presented during a trial: Direct
10 evidence and circumstantial evidence. Direct evidence is
11 the testimony of a person who claims to have actual
12 knowledge of a fact such as an eye witness. It is
13 evidence which immediately establishes the main fact to be
14 proved.

15 Circumstantial evidence is proof of a chain of facts
16 and circumstances indicating the existence of a fact. It
17 is evidence which immediately establishes collateral facts
18 from which the main fact may be inferred. Circumstantial
19 evidence is based on inference and not on personal
20 knowledge or observation.

21 The law makes absolutely no distinction between the
22 weight or value to be given to either direct or
23 circumstantial evidence. Nor is a greater degree of
24 certainty required of circumstantial evidence than that of
25 direct evidence. You should weigh all of the evidence in

1 the case. After weighing all the evidence if you are not
2 convinced of the guilt of the defendant beyond a
3 reasonable doubt you must find the defendant not guilty.

4 Now, I think I'm ready to move on to the actual
5 charges. All right. We have an indictment for murder. I
6 charge you Section 16-310 of the Code of Laws of South
7 Carolina which states, "Murder is the killing of any
8 person with malice aforethought either express or
9 inferred." Now, implied means the same thing as inferred.

10 Murder is the unlawful killing of any person with
11 malice aforethought either express or inferred. Hence, in
12 order to convict one of murder the State must not only
13 prove the killing of the deceased by the defendant but it
14 was done with malice aforethought and such proof must be
15 beyond a reasonable doubt. Malice aforethought is an
16 essential element in the crime of murder.

17 What is malice? Malice is defined in the law of
18 homicide as a term of art. Malice does not necessarily
19 mean an actual intent to kill. It is a technical term
20 importing wickedness and excluding just cause or legal
21 excuse. It is something which springs from wickedness,
22 from depravity, from a depraved spirit, from a heart
23 devoid of social duty and fatally bent on mischief.

24 The words, "express or inferred malice" do not mean
25 didn't kinds of malice, but merely the manner in which the

1 only kind of malice known to the law may be shown to
2 exist. That is to say either by direct evidence or by
3 inference. Malice may be -- is express where previous
4 threats of vengeance like lying in wait or other
5 circumstances show directly an intent to kill was
6 entertained. Malice may be inferred where no express
7 intent to kill is proved by direct evidence. It may be
8 inferred from the facts and circumstances which are
9 proved.

10 Malice may be inferred from the willful, deliberate
11 and intentional doing of an unlawful act without just
12 cause or legal excuse. In other words malice means the
13 doing of a wrongful act intentionally without
14 justification or legal excuse. But even if the facts
15 proved are sufficient to raise an inference of malice this
16 inference would be simply an evidentiary fact to be taken
17 into consideration by you along with all other evidence in
18 the case, and you may give it such weight as you determine
19 it should receive as to whether or not malice has been
20 proved beyond a reasonable doubt.

21 And it will be observed, ladies and gentlemen, that
22 there must be a malice aforethought, and while the law
23 does not require the malice shall exist for any particular
24 length of time before the commission of the act it must be
25 a forethought. There must be a combination of the

1 previous evil intent and the act producing the fatal
2 result.

3 Also charge you that the State is not required to
4 prove motive for a far homicide. If someone intentionally
5 kills another during the commission of a felony an
6 implication of malice may arise. If facts are proved
7 beyond a reasonable doubt sufficient to raise an inference
8 of malice to your satisfaction this inference would simply
9 be an evidentiary fact to be taken into consideration by
10 you the jury along with other evidence in this case. And
11 you may give it such weight as you determine it should
12 receive.

13 Now, you've heard discussion about the Felony Murder
14 Rule. If several parties agree or conspire to commit a
15 robbery or a burglary or a kidnapping, anything which is a
16 felony or any offense that would be a felony, each party
17 is criminally responsible for the actions of his associates
18 or confederates in furtherance or in the prosecution of
19 the common purpose for which they combined.

20 The common purpose may not have been to kill and
21 murder, but if it was unlawful it's for instance to break
22 in and steal, and in the execution of this common purpose
23 a homicide is committed by one as a probable or a natural
24 consequence of the acts done in pursuance of the common
25 design then all present participating in the unlawful

1 common design are as guilty as the slayer.

2 But if the killing has no connection with the common
3 purpose and did not ensue as a probable result of an
4 attempt to execute it then the slayer alone is responsible
5 for the killing. The test is whether the homicide was
6 committed in furtherance of the plan and was a probable
7 result of its execution.

8 Charge you on armed robbery. The crime of armed
9 robbery includes all the elements of robbery. Robbery is
10 the felonious taking away of the goods of another against
11 the owner's will and without his consent by force,
12 intimidation or violence. It is sometimes commonly called
13 larceny by force. In order to make out the crime of armed
14 robbery, however, an additional element must be proved.
15 The robbery must have been committed with a deadly weapon.

16 The person committing the robbery must have had and
17 used a deadly weapon with which he obtained possession of
18 the property or placed the one possessing the property in
19 fear in order to obtain the property. Section
20 16-11-330(A) of the South Carolina Code of Laws provides
21 that, "A person convicted for the crime of robbery while
22 armed with a pistol, dirk, slingshot, metal knuckles,
23 razor or other deadly weapon commits armed robbery.

24 A pistol or gun or rifle is a deadly weapon whether
25 or not it was actually loaded with ammunition at the time

1 of the robbery.

2 Next indictment, first degree burglary. Burglary in
3 the first degree. Under Section 16-11-311 of the Code of
4 Laws of the State of South Carolina burglary in the first
5 degree is defined as the entering of the dwelling house of
6 another without consent with the intent to commit a crime
7 therein as I will define for you which is accompanied by
8 one of the following circumstances:

9 When entering or while in the house or in the fleeing
10 the defendant or his accomplice is armed with a deadly
11 weapon or explosive.

12 Causes physical injury to anyone not participating in
13 the crime.

14 Uses or threatens to use a dangerous object or
15 displays what is or appears to be a knife, pistol,
16 revolver, rifle, shotgun, machine gun or other firearm."

17 There are four essential elements to the requirement:

18 The defendant entered into the dwelling house of
19 another without consent with the intent to commit a crime
20 therein. They are -- there must be an entering. The
21 State must prove that there was an actual entering; that
22 is the defendant actually went into the house or some part
23 of it. It is not necessary, however, that the entire body
24 of the defendant entered the house.

25 The smallest entry is sufficient, and it may be any

1 part of the body as a hand or foot or even an implement
2 such as a hook or other instrument. No force need to be
3 used to gain entry. The entry must be without consent.
4 Aside from the usual and normal understanding of the
5 phrase, 'without consent' the term, 'entry' also means to
6 enter a building by using deception, artifice, trick or
7 misrepresentation to gain consent from the person in
8 lawful possession.

9 The place entered must be a dwelling house. The
10 term, 'dwelling house' means any building inhabited by a
11 person or persons in which the customarily sleep. A
12 building constructed as a dwelling that has never been
13 occupied cannot be considered as a dwelling within this
14 definition. But a temporary absence of an inhabitant or
15 inhabitants does not affect the building's character as
16 such.

17 The term, 'dwelling' also means the living quarters
18 of a building used or normally used for sleeping, living
19 or lodging by a person. All houses, out houses,
20 buildings, sheds, and erections that are within 200-yards
21 of a dwelling are considered a part of it.

22 Fourthly, the defendant must have an intent to commit
23 a crime. The mere entry into a dwelling house without
24 consent is not a violation of the burglary statute. It is
25 only where there is an intent to commit a crime whether it

1 be a felony or a misdemeanor that the crime is complete.

2 Proof of intent, necessarily, rests on inference from
3 conduct. It is essential that the felonious intent exist
4 at the time of entry. It is not sufficient that the
5 felonious intent is formed afterwards. On the other hand,
6 when the intent exist at the time of the entry it is no
7 defense that the intent was abandoned after the entry. It
8 does not matter that the intended crime was not completed.

9 The crime of conspiracy. Conspiracy is a combination
10 between two or more persons for the purpose of
11 accomplishing a criminal or unlawful object or an
12 unlawful -- correction. Or an object neither criminal or
13 unlawful by criminal or unlawful means. Simply put,
14 conspiracy is an agreement between two or more persons to
15 do an unlawful act or a lawful act by unlawful means.

16 The graverment of the offense of conspiracy is the
17 agreement or combination. What is required is a shared,
18 single criminal objective and not just similar or parallel
19 objectives between similarly situated people. The State
20 must prove beyond a reasonable doubt that the person's
21 intended to act together for their shared mutual benefit
22 within the scope of the conspiracy charge.

23 The word, 'conspire' is defined substantially as
24 follows: The two more persons agree, acting upon a common
25 purpose, to commit a criminal act then they conspire. A

1 conspiracy is an agreement between two or more persons to
2 do an unlawful act or to do a lawful act by criminal or
3 unlawful means.

4 And in this particular indictment the conspiracy
5 alleges that the Defendant, Damian Inman, did in Dillon
6 County on or about August the 17th 2009 combine with
7 another and/or with other persons for the purpose of
8 accomplishing a criminal or unlawful act, object or an
9 object that is neither criminal or unlawful through
10 criminal or unlawful means to wit, burglary first degree,
11 armed robbery, kidnapping and murder.

12 Section 16-3-910 is our kidnapping statute. Whoever
13 shall unlawfully seize, confine, inveigle, decoy, kidnap,
14 abduct or carry away any other person by any means
15 whatsoever without authority of law shall be guilty of
16 kidnapping. Kidnapping is the intentional taking of a
17 person and compelling him or her to be detained against
18 their will. It is the willful and unlawful seizing of a
19 person against their will with an intent to cause him or
20 her to be confined, imprisoned, detained.

21 The essence of kidnapping is the unlawful secret
22 holding or imprisonment of a person. Kidnapping means the
23 carrying away of a person by unlawful force or by fraud
24 and against their will or seizing and detaining them for
25 the purpose of so carrying them away.

1 Element of kidnapping: Unlawful seize, confine,
2 inveigle, decoy, kidnap, abduct or carry away any other
3 person by any means whatsoever without authority of law.

4 Confine means to shut in or to imprison. Inveigle
5 means to lure, entice or lead astray by false
6 representations or promises or other deceitful means. The
7 graverment of the offense of kidnapping is some form of
8 compulsion, but the law says that the requisite force of a
9 compulsion need not consist of the use of actual physical
10 force or violence or express threats.

11 An essential element of the offense of kidnapping is
12 that the taking or detention of the person kidnapped is
13 without lawful authority. To support an allegation of
14 unlawful taking or detention of the person the State must
15 prove beyond a reasonable doubt that the accused had the
16 requisite intent to commit the alleged act.

17 The law says it is ordinarily reasonably or
18 reasonable to infer that a person who intends a natural
19 and necessary or probable consequence of acts knowingly
20 done. The law infers the intent from the unlawful act.
21 Kidnapping by the use of fraud, inveiglement or enticement
22 is the obtaining of a false consent by means of deception.

23 The use of fraud is a substitute for force in
24 effecting kidnapping implies false and fraudulent
25 representation amounting substantially to a coercion of

1 the will of the kidnapped person. In determining whether
2 a person was coerced by fraud and inveiglement the nature
3 of the alleged artifice employed, the age, education and
4 condition of mind must be taken into consideration.

5 Ordinarily, under the law a false statement or a
6 representation is not in and of itself sufficient to
7 constitute fraud. Kidnapping by inveiglement may be
8 accomplished by acts of deception whereby the kidnapped
9 person is induced to yield consent to the taking. The law
10 says the inveiglement must be adequate to affect the
11 unlawful purpose. It does not rise from a false
12 representation alone, and it does not exist where the
13 kidnapped person voluntarily consents to the taking.

14 Kidnapping by decoy or enticing usually refers to
15 suggestion, representations or solicitations whereby the
16 kidnapped person yields consent. The taking, leading,
17 carrying away of the transportation of the victim is an
18 essential element of the offense of kidnapping. The
19 offense of kidnapping commences when one is wrongfully and
20 unlawfully deprived of their freedom and continues until
21 their freedom is restored.

22 Charge you Section 16-23-490 of the Code of Laws of
23 the State of South Carolina. "It makes it illegal to
24 possess a firearm or visibly display what appeared to be a
25 firearm during the commission of a violent crime. This

1 section provides that a violent crime includes the
2 offenses of murder, criminal sexual conduct in the first
3 and second degree, criminal sexual conduct with minors,
4 assault with intent to commit criminal sexual conduct,
5 assault and battery with intent to kill, kidnapping,
6 voluntary manslaughter, armed robbery, drug trafficking as
7 defined in our law, arson in the first degree, burglary in
8 the first degree, and burglary in the second degree."

9 For you to find the defendant guilty of this separate
10 statutory offense of possession of a firearm during a
11 violent crime you must first find the defendant guilty of
12 a violent crime. If you find that the defendant -- if you
13 find the defendant guilty of the violent crime then you
14 must determine whether the State has proved beyond a
15 reasonable doubt that the defendant was in possession of a
16 firearm or visibly display what appeared to be a firearm
17 during the commission of that violent crime.

18 As used in Section 16-23-490 of the South Carolina
19 Code a firearm is defined as any machine gun, automatic
20 rifle, revolver, pistol, or any weapon which would kill or
21 is designed to or may be readily converted to expel a
22 projectile.

23 Now, principle of law that you have heard raised in
24 this case I need to give you a charge on that. You heard
25 the hand of one is the hand of all. I further charge you

1 that the law is that if a crime is committed by two or
2 more persons who are acting together in the commission of
3 the crime the act of one is the act of all. This is true
4 if there are two people or more than two people involved
5 in this act. Two people or more than two people can be
6 guilty of killing another, therefore, guilty of murder,
7 when only one of the people fired the shot or committed
8 the act that caused the death.

9 If two or more people together are acting together
10 assisting each other in the commission of the offense the
11 law says that under these circumstances the act of one is
12 the act of all. The hand of one is the hand of all. I
13 charge you that mere presence at the scene of a crime
14 without an intent to aide, abet or assist in its
15 commission would not constitute guilt.

16 As to duress, I charge you that except in the case of
17 homicide an act which would otherwise constitute a crime
18 may be excused when committed under duress or compulsion
19 which is present imminent and impending which produces a
20 well grounded apprehension of death or serious bodily harm
21 if the act is not done. The duress or compulsion must be
22 continuous and there must be no rational opportunity to
23 escape the compulsion of duress without committing a
24 crime.

25 The Doctrine of Duress, coercion cannot be invoked as

1 an excuse by one who had a reasonable opportunity to avoid
2 doing the act without undue exposure of death or serious
3 bodily harm.

4 The election of a defendant not to testify I instruct
5 you now and emphasize to you that the election of a
6 defendant in the trial of a criminal case not to testify
7 in his own behalf is not a factor to be considered by you
8 in any way in your deliberations and on your consideration
9 on the guilt or the question of the guilt or innocence of
10 an accused. It must not be considered by you in any
11 manner whatsoever against the defendant or mitigate
12 against him in any respect whatsoever.

13 Under your oath you have to reach no inference and
14 draw no conclusion whatsoever from the fact that a
15 defendant in a case did not himself testify. This should
16 not even be discussed in the jury room. Once again, the
17 burden of proof is as I stated to you is upon the State.
18 A defendant is not incumbent to prove his innocence.

19 Ladies and gentlemen, you are not partisans or
20 advocates for the State of South Carolina or for the
21 defendant. You do not serve as jurors to reward friends
22 or punish enemies. Obviously, such a perverted system of
23 justice would be intolerable. You have been selected by
24 both the State and the Defendant to be fair and impartial
25 jurors, and it is your duty by your joint deliberations to

1 determine the truth in this case, giving to the defendant
2 the benefit of every reasonable doubt on each and every
3 issue.

4 Then to the facts which you determine to be true you
5 then take and apply the law which has been given to you by
6 the Court and thus arrive at a verdict which does speak
7 the truth in the case. The word, 'verdict' is a Latin
8 derivative which means a true saying. When you have
9 accomplished these responsibilities you will have
10 satisfied your oath as jurors, and it will be -- and you
11 will have discharged your duty to the Court.

12 Let me speak with you about the forms of the verdict.
13 I have six indictments up here, and the verdict form is on
14 the back of the indictment, Madam Forelady. It's down at
15 the bottom left hand corner and it says, 'verdict'. You
16 the jury will take up each of these indictments and reach
17 verdicts on each of the indictments.

18 It will be the duty of the foreperson, once you have
19 reached a verdict, to fill in the appropriate verdict,
20 sign your name, Madam Forelady, and date the indictment
21 and knock on the door and let us know that you have
22 reached a verdict.

23 As I said you will have to take up each indictment
24 separately and reach separate verdicts. Two possible
25 verdicts. You give no weight to the order I put them in,

1 but on each indictment there are two possible verdicts;
2 that is guilty or not guilty. Once again, if the State
3 has failed to prove the guilt of the defendant your
4 verdict will be not guilty. If the State has proved the
5 guilt of the defendant beyond a reasonable doubt your
6 verdict will be one word, 'guilty'. Once again, I tell
7 you that the verdicts you reach have to be a unanimous
8 verdict. All 12 jurors have to agree on the verdict which
9 the forelady will fill in.

10 Ladies and gentlemen, I know it's late in the
11 evening. We're going to ask you to step back to the room
12 in just a few minutes. Do not begin your deliberations
13 until I get the attorneys to check off on the exhibits.
14 Once that's done we will send the exhibits along with
15 these verdict forms back to you.

16 At any time there is not full 12 of you in there
17 deliberating you will cease your deliberations until all
18 12 are back. Madam Forelady, your duties and your
19 authority is not more than any other juror's. A
20 foreperson simply serves sort of as a secretary, recorder
21 to record the verdict, turn it over to the Court.

22 Of course, you will be asked to keep order and
23 preside during the deliberations. This is a situation
24 that very seldom occurs, and each one of you has a duty
25 consider with there. But, Madam Forelady, if you get back

1 there and you begin your deliberations and you have a
2 juror that refuses to deliberate -- what I'm talking about
3 if you get back there and somebody in effect cross my
4 arms, 'I'm not going to even discuss this case. I'm not
5 even going to take part', something of that effect, you
6 immediately notify me of that, and I will replace that
7 juror.

8 And, of course, that same thing goes to the
9 foreperson. Should that happen then it falls on the duty
10 of a juror to notify the Court. So everybody has the same
11 authority here. Now, once again, if you have to take a
12 smoke break, a restroom break, cease your deliberations
13 until everybody is back. If you need something knock on
14 the door and Madam Clerk will take care of it.

15 Once again, it has to be a unanimous verdict on each
16 and every indictment. Now, I think it's about six minutes
17 till 6:00. Can't turn you loose to deliberate until we
18 check off on these indictments, and I have to go into a
19 quick determination of anything else that we might need to
20 put on the record as far as matters of law. But that
21 shouldn't take long.

22 So the 12 of you will step back. We will get that to
23 you in a few minutes. Should later on you decide that you
24 need to break for the evening, come back in the morning,
25 cause we got to be here anyway, that will be permissible,

1 but Madam Forelady, that will be your duty there to pole
2 the jury. And if that's the decision that you want to do
3 then we will go home for the evening and come back and
4 continue deliberations in the morning. But you can decide
5 that a little later.

6 If you have a question on anything Madam Clerk is
7 going to have a pad and a pencil for you to wrote that
8 down in case you need some question or something. I think
9 I've covered everything, but I need to check with counsel,
10 close that out and we will check the indictment -- I mean
11 the exhibits off. We'll send them back to you.

12 Now, I've got three alternates, and Madam Clerk, they
13 will need to be placed in a separate room from the 12
14 deliberating jurors at this time.

15 MR. DANIEL: Judge, there is a small jury room,
16 magistrate jury room, right outside the door they can go
17 in.

18 THE COURT: Very good. All right. If y'all will
19 step back. The three alternates go one way, and the 12 go
20 to the room that you've been using.

21 (WHEREUPON, the jury panel was excused from the
22 courtroom at 5:56 p.m.)

23 COLLOQUY

24 THE COURT: All right. The jury has retired. Is
25 there anything for the record.

WITNESSES

Allan Rogers

Dillon County Sheriff

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER

J708307

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

Ruby Woodell
Grand Jury Foreperson

Date

1-25-2010

VERDICT

Guilty

Brenda Hamilton
Petit Jury Foreperson

Date

6-11-2015

DOCKET NUMBER:
2009-GS-17-1210

421

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
November 2009

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

TRUE BILL

CERTIFIED
TRUE COPY

William B. Rogers, Jr., Solicitor

CLERK OF COURT
DILLON COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

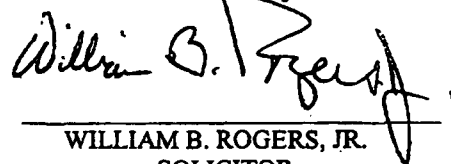
At a Court of General Sessions, convened on November 24, 2009, the Grand Jurors of Dillon County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Damian Inman did in Dillon County, on or about August 18, 2009, willfully, feloniously, and intentionally kill the victim, Mary Stutts, with malice aforethought, either express or implied, by means of shooting victim in the head several times, and the victim did die as a proximate result thereof on or about August 18, 2009 in Dillon County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Jason Turner

Dillon Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER

J008488

ARRESTED ON: 2009-08-19

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

5-13-10

Date

VERDICT

Guilty

Petit Jury Foreperson

Date

6-11-2015

DOCKET NUMBER:

2009-GS-17-1212

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:

May 2010

THE STATE

vs.

Damian Inman

INDICTMENT FOR

Burglary / Burglary (After June 20, 1985) -
First degree

§16-11-0311

CDR Code: 0079

CERTIFIED
TRUE COPY

William B. Rogers, Jr., Solicitor

CLERK OF COURT
DILLON COUNTY

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DILLON)

Burglary / Burglary (After June 20, 1985) - First
degree

§16-11-0311

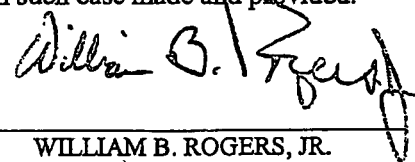
At a Court of General Sessions, convened on May 13, 2010, the Grand Jurors of Dillon County present upon their oath:

BURGLARY, 1ST DEGREE

CDR: 0079 16-11-0311

That Damian Inman did in Dillon County on or about August 17, 2009 either enter or aid co-defendants in entering the dwelling of Mary Stutts located at 947 West Calhoun St. Dillon SC without consent and with the intent to commit a crime therein and the defendant did so in the nighttime and/or while armed with a deadly weapon, in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

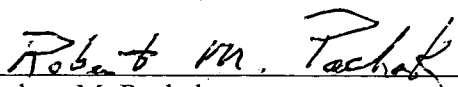


WILLIAM B. ROGERS, JR.
SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,


Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 11th day of April, 2018.

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